

# **EXHIBIT AA**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

vs.

TRACY DEEBE-ELKENANEY P/K/A TRACY  
WOLFF, ENTANGLED PUBLISHING, LLC,  
HOLTZBRINCK PUBLISHERS, LLC D/B/A  
MACMILLAN, UNIVERSAL CITY STUDIOS  
LLC, EMILY SYLVAN KIM, AND PROSPECT  
AGENCY, LLC

Defendants.

Case No.: 1:22-cv-02435-LLS-SN

**NOTICE OF EXPERT  
DISCLOSURE**

Defendants Tracy Deebes-Elkenaney p/k/a Tracy Wolff, Entangled Publishing, LLC, Holtzbrinck Publishers, LLC d/b/a MacMillan, and Universal City Studios LLC (collectively the “Entangled Defendants”) hereby advise plaintiff Lynne Freeman that the Entangled Defendants intend to call Emily Easton as an expert witness in the trial in this matter. Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the Entangled Defendants are providing a report from Ms. Easton which complies with Fed. R. Civ. P. 26(a)(2)(B). That report is attached hereto. Ms. Easton has an address of 75 Ridge Road, Rutherford, New Jersey, 07070. The Entangled Defendants reserve the right to supplement this disclosure, and to name additional responsive or rebuttal expert witnesses, as necessary.

Dated: New York, New York  
May 10, 2023

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& SHEPPARD, LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2023, I caused a true and correct copy of the foregoing Defendants Tracy Deebs-Elkenaney p/k/a Tracy Wolff, Entangled Publishing, LLC, Holtzbrinck Publishers, LLC d/b/a MacMillan, and Universal City Studios LLC's Notice of Expert Disclosure to be served on the following:

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CONFIDENTIAL LITIGATION MATERIAL SUBJECT TO PROTECTIVE ORDER

**Expert Report of Emily Easton**

*Freeman v. Deeks-Elkenaney et al.*, No. 1:22-cv-02435-LLS-SN (S.D.N.Y.)

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I was retained by the CDAS law firm, which I understand is counsel in this lawsuit for Defendants Tracy Wolff, Entangled Publishing, Macmillan, and Universal City Studios, to provide an expert report setting forth my opinions on certain matters about which I am qualified to opine based on my experience in the publishing industry generally and with Young Adult (“YA”) fiction specifically. These opinions, which I am prepared to testify about at trial, are set forth below. I reserve the right to supplement or amend these opinions at counsel or the Court’s request.

In this report, I first discuss my background in the book publishing industry and experience with YA and the YA Paranormal Romance category. I then briefly describe the plaintiff’s novel based on my review of the two drafts she identified pursuant to a Court order. Next, I provide a brief overview of the history of YA fiction and its most popular genres by decade, before summarizing what I believe are the most notable books in the YA Paranormal Romance category. Then, I provide a detailed (but non-exhaustive) analysis of elements of the plaintiff’s novel that are actually common tropes found throughout the YA Paranormal genre. Finally, I provide a brief description of how the publishing industry works based on my decades of experience.

## **I. Qualifications**

### **A. Publishing Background**

My career in publishing spans almost four decades. I have worked at major publishers such as Simon & Schuster, Reader’s Digest, Random House Children’s Books, and Macmillan.<sup>1</sup> I also spent more than two decades at Walker Books for Young Readers, which began as an independent family-owned publisher and later was acquired by Bloomsbury, a mid-sized global publisher. Having worked at companies large and small, US and international, I have a broad overview of the publishing industry and a wide-ranging understanding of the marketplace and how different publishers operate.

For the last year, I have been working as a self-employed publishing consultant providing a range of services including developing imprint strategies, proposal writing, adult nonfiction adaptations for younger readers, and manuscript editing. Prior to 2022, I spent twenty-three years as a Publisher, including seventeen years at Walker Books for Young Readers/Bloomsbury and eight years at Crown Books for Young Readers/Random House Children’s Books. At both companies, my purview included books from toddlers to teens in a wide range of categories—picture books, novels, graphic novels, and illustrated nonfiction for all ages. I have published both award-winning titles and books with commercial appeal—including several *New York Times* Bestsellers. I’ve published books that straddle literary and commercial audiences and markets, and those that find holes in the market and start new trends—including titles like *Once Upon a Cool Motorcycle Dude* (picture book), *How They Croaked* (Middle Grade nonfiction), *The Driving Book* (YA nonfiction), and *Perfect Chemistry* (YA romance).

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<sup>1</sup> I worked at Macmillan from 1982 to 1986, almost 40 years ago. Additionally, Macmillan sold and distributed Bloomsbury’s books during my time with the company from 2004 to 2014 and continues to do so today.

# 1. Role As Publisher And Editor

In addition to my work acquiring and editing books (see section below), as Publisher I was responsible for shaping and overseeing the imprint's or division's seasonal lists with the goals of balancing the seasonal offerings and ensuring the profitability of the business by monitoring staff costs, administrative costs, acquisitions costs (advances), and working with the marketing, publicity and sales departments to prioritize which assets will be allocated for each title and for the imprint or division overall.<sup>2</sup> I oversaw the editorial staff, evaluated all projects being proposed for acquisitions, approved offers and evaluated each book's profit and loss statement, and weighed in on artist selections for each book and book jacket. I presented the imprint's slate of titles at internal meetings and externally—to drive interest and enthusiasm for upcoming titles. I worked with the leadership teams of the overarching division to develop strategies for the direction of the business for the next year, the next five years, and the next ten years. I weighed in on print quantities and reprint management for all the imprint titles. There were also numerous internal meetings where I worked closely with other departments, weekly, monthly, and seasonally.

As Publisher, I was also expected to be a public spokesperson for the imprint or division—giving presentations at conferences and setting up meetings at industry gatherings such as the international Bologna Book Fair, recurring educational conferences sponsored by organizations such as the American Library Association, the International Literacy Association, the Texas Library Association, the National Council of Teachers of English, and Children's Institute for independent booksellers. I also spoke at select writers/illustrators conferences. To do this job effectively, I had to stay abreast of industry trends and competitors' lists by monitoring the sales of our own books and key titles at other publishing houses, reading book reviews and professional journals, and seeing which books were being featured in bookstores. I maintained relationships with top agents in the field to attract top talent and interacted with key decision makers in the marketplace (booksellers, librarians, teachers, and journalists) to get their feedback, hear about their issues and concerns, and to get them excited about our upcoming books.

As a hands-on Publisher, I still acquired and edited a slate of books each year—usually between 15 and 20, and sometimes more. Once I acquired a project, I worked with the author on multiple rounds of edits to improve structural issues, character development, setting, and language. Then I oversaw the copyediting and proofreading review with the author, worked with the book designer on choosing an artist for an illustrated work, on jacket concepts, and on the overall book design.<sup>3</sup> Once the book was ready to go to the printer, I worked with the production manager to oversee printer proofs. As the book worked its way through the creation process, I worked with my assistant to write jacket, catalog, and promotional copy, enter each title's metadata into the company's systems, and apply for copyright. When the title was nearing completion, I met with the book's publicist and marketing team to share ideas for promoting it within its budget and give feedback on final plans before sharing them with the author, illustrator, and agent.

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<sup>2</sup> At a large publishing company, a "division" will include multiple "imprints"—each with its own strategy and mission statement.

<sup>3</sup> Generally speaking, a copyeditor's role is primarily to check facts, spelling and grammar. A copyeditor may also look for consistency in details and style of language. Each publishing house has its own style sheet and manuscripts will be marked to conform to that style.



## 2. Young Adult Expertise

I have published many books for young adults across different genres, including the *New York Times* bestsellers *Skinny* by Ibi Kaslick and the Perfect Chemistry trilogy by Simone Elkeles. During the golden years of the YA Paranormal Romance genre sparked by the success of *Twilight* (discussed below), I published many books in the genre including the five-book Drake Chronicles beginning with *Hearts at Stake* by Alyxandra Harvey and the four-book Lily Dale series by *New York Times* bestselling author Wendy Corsi Staub. I also published more lighthearted YA Paranormal Romance including *Saving Juliet* and *Coffeehouse Angel* with Suzanne Selfors and *My Fair Godmother* by Janette Rallison. Other YA fiction genres I have published include Science Fiction, Dystopian, Thriller, Historical, and Contemporary Realism. Most of these books, regardless of genre, include elements of romance at the heart of the story. As a result, I was asked to judge several literary contests by Romance Writers of America (RWA).

My resume and an illustrative deck are included as Appendix A. Books I have authored or adapted in the last 10 years are listed in Appendix B.

## 3. Previous Work Related to Tracy Wolff

I estimate that over the course of my career, I have acquired and/or edited approximately 800 books—on average, 20 books a year during my approximately 40-year career in the publishing industry. I personally worked with approximately 500 different authors, as well as working as the Publisher for approximately 400 more books that were acquired with my approval and edited by my staff. Tracy Wolff was just one of these authors. Specifically, I had a role in publishing Ms. Wolff's *Tempest* trilogy and her book *Doomed*.<sup>4</sup>

I was informed that the plaintiff has disputed the timeline of when Ms. Wolff's earlier book *Tempest Rising* was published by Bloomsbury. I was the Publisher of the Walker Books for Young Readers imprint at Bloomsbury at the time and supervised the editorial staff and all their books on the list, including Stacy Abrams, and her work on *Tempest Rising*. I can confirm that the final draft of *Tempest Rising* was submitted to Bloomsbury around June 2010 and that an advanced reader copy (ARC) of it was printed in October 2010. I can say this based on my memory and from reviewing emails provided by counsel. If asked, I would testify that these dates are accurate based on my recollection and the emailed I reviewed.

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<sup>4</sup> Stacy Abrams was an editor at Walker/Bloomsbury at the time when I was the publisher of the imprint. During that time Ms. Abrams found Ms. Wolff, acquired Ms. Wolff's *Tempest* series, and served as Ms. Wolff's editor, and in that capacity, edited the *Tempest* series, which was in the genre of YA Paranormal Romance. Because I was the publisher of the imprint, I approved the acquisition and was available for guidance as needed. Ms. Abrams also acquired and edited Ms. Wolff's book *Doomed*, which was not part of the *Tempest* series and was dystopian, not paranormal romance. Near the end of the editorial process for that book, Ms. Abrams left Bloomsbury and I took over to get the book across the finish line—though the bulk of the work was already completed. I did not work with Ms. Wolff beyond that book.

## **B. Expert Witness Experience And Compensation**

I have never been retained as an expert witness for any other legal case. Nor have I provided testimony in any other legal case in any capacity. I estimate that I have spent approximately 225 total hours in developing, drafting, and completing this expert report, which includes reading and/or rereading all of the books discussed in my analysis of common tropes. For this, I am being compensated a flat fee of \$50,000, which may additionally include providing a rebuttal report. I will be compensated at a rate of \$500 per hour for any additional work I perform in connection with this case beyond this report.

## **II. Assignment And Materials Reviewed**

I was asked to analyze the plaintiff's manuscript entitled either *Blue Moon Rising* or *Masqued* (collectively "*BMR*") and opine on the degree to which elements of *BMR*, including its main characters, tropes, themes, plot, and setting also appear in other books in the YA Paranormal Romance genre. I was expressly instructed not to opine on the issue of whether *BMR* and the Crave series are substantially similar and offer no such opinion.

The materials reviewed for the preparation of this report include: (a) the First Amended Complaint (FAC) and its exhibits; (b) Exhibits 1 and 2 to the plaintiff's January 4, 2023 letter; (c) *BMR*, specifically versions Bates stamped LF03750 and LF06904; (d) numerous YA novels, including *Crave* (Crave series, book 1)<sup>5</sup> and the numerous novels discussed below; (e) the other articles and sources cited herein and listed in Appendix C; (f) the plaintiff's May 2, 2023 letter ("5/2 Letter") (footnote 1); and (g) emails regarding the finalization of Tracy Wolff's book *Tempest Rising*, provided by counsel. In addition to these sources, my opinions are based on my four decades of experience as a publisher and in the publishing industry, including the experience in the YA Paranormal Romance genre described in this report and further shown in Appendix A.

## **III. Summary Of Opinions**

Books in the YA Paranormal Romance genre share many common themes, tropes, and character archetypes, none of which can fairly be considered original to any one author. Readers of this genre expect familiarity, both in these aspects and in writing style and language. The familiarity and colloquial writing style is a big part of what makes these books so appealing to their young adult readers. Also, many character and story elements (such as there being creatures like werewolves and vampires and dangerous dark romance) flow naturally from the YA Paranormal Romance genre. These tropes existed in the YA Paranormal Romance genre (and similar genres) before *BMR* was written and are used widely by many different authors. Examining how the same tropes are used in many different books in this category shows how misleading it is to compare two YA Paranormal Romance books without considering the tropes widely used in that genre. What the plaintiff claims is original to her is in fact found in a huge number of other books that predate both parties' works. If anything, examining the use of overlapping tropes in books

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<sup>5</sup> I had previously read books 1-3 of the Crave series before being retained. I did not consider those books for my opinions.

throughout the genre shows the opposite of what the plaintiff is claiming because she could just as likely have borrowed many ideas, either consciously or unconsciously, from preexisting books.

Below is a non-exhaustive list of familiar tropes that appear both in *BMR* and many other books in the YA Paranormal Romance category. Many of these are discussed in detail in Section VI below.<sup>6</sup>

<b>Trope</b>	<b>Books Featuring (non-exhaustive)</b>
<b>Remote setting</b>	Harry Potter, Twilight, Glass Houses, Vampire Academy, Evernight, Shiver
<b>Supernatural school</b>	Harry Potter, Blue Bloods, Marked, Vampire Academy, Evernight, Fallen, A Discovery of Witches, Shadow and Bone, Ninth House
<b>Public school with supernatural students</b>	Vampire Diaries, Twilight, Glass Houses, Evermore, Beautiful Creatures
<b>Gothic architecture/castle setting</b>	Harry Potter, Blue Bloods, Glass Houses, Marked, Vampire Academy, Evernight, Fallen, A Discovery of Witches, Shadow and Bone
<b>Supernatural creatures (vampires, werewolves, witches, etc.)</b>	All books in category
<b>Hero/Heroine is supernatural</b>	Harry Potter, Blue Bloods, Marked, Vampire Academy, City of Bones, Evernight, Faefever, Bad Moon Rising, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Shadow and Bone, Lore
<b>Hero/Heroine initially thinks s/he is a normal human</b>	Harry Potter, Twilight, Blue Bloods, Marked, City of Bones, Faefever, Shiver
<b>Hero/Heroine has supernatural family</b>	Harry Potter, Blue Bloods, Vampire Academy, City of Bones, Evernight, Faefever, Bad Moon Rising, Beautiful Creatures, Hearts at Stake, A Discovery of Witches
<b>Death of parents</b>	Harry Potter, Blue Bloods, Evermore, Vampire Academy, Beautiful Creatures, A Discovery of Witches, Shadow and Bone, Spin the Dawn
<b>Hero/Heroine lives with surrogate parents</b>	Harry Potter, Blue Bloods, Evermore, Beautiful Creatures, A Discovery of Witches
<b>Hero/Heroine is a teenager</b>	All books in category (If there are exceptions, I am not aware of them.)
<b>Hero/Heroine moves/is new in town</b>	Harry Potter, Twilight, Glass Houses, Evernight, Marked, Faefever, Beautiful Creatures, A Discovery of Witches, Shadow and Bone, Spin the Dawn, Ninth House

<sup>6</sup> Books in this chart are generally listed by publication year. As explained below, Harry Potter is not YA Paranormal Romance but is included due to its immense popularity and impact on the genre.

<b>Trope</b>	<b>Books Featuring (non-exhaustive)</b>
<b>Hero/Heroine doesn't feel attractive or special</b>	Harry Potter, Twilight, Blue Bloods, Glass Houses, Evernight, Fallen, Shiver, A Discovery of Witches, Shadow and Bone
<b>Hero/Heroine experiences anxiety, depression, or panic attacks</b>	Harry Potter, The Perks of Being a Wallflower, New Moon, Vampire Academy, A Discovery of Witches, The Serpent King, Goodbye Days, Turtles All the Way Down
<b>Hero/Heroine loves books/is a good student</b>	Twilight, Glass Houses, Evernight, Fallen, Shiver, A Discovery of Witches
<b>Hero/Heroine is the "chosen one" (special power or prophecy)</b>	Harry Potter, Blue Bloods, Glass Houses, Marked (which includes the Goddess Nyx as a character), Vampire Academy, Faefever, Fallen, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Shadow and Bone, Ninth House
<b>Hero/Heroine must choose between Light/Dark or bring balance</b>	Harry Potter, Marked, Faefever, Shiver, Hearts at Stake, A Discovery of Witches, Shadow and Bone
<b>Hero/Heroine has prophetic dreams/visions</b>	Harry Potter, Twilight, Blue Bloods, Marked, Vampire Academy, Faefever, Fallen, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches
<b>Hero/Heroine's powers are hidden/bound for safety</b>	Harry Potter, City of Bones, Faefever, Fallen, A Discovery of Witches
<b>"Kick butt" heroine</b>	Glass Houses, Marked, Vampire Academy, Evernight, Faefever, Bad Moon Rising, Hearts at Stake, A Discovery of Witches, Shadow and Bone, Ninth House
<b>Hero/Heroine saves love interest's life</b>	Twilight, Glass Houses, Blue Bloods, Vampire Academy, Faefever, Bad Moon Rising, Shiver, Beautiful Creatures, Hearts at Stake, Shadow and Bone
<b>"Hot guy" friend—sometimes gay</b>	Twilight, Glass Houses, Blue Bloods, Marked, City of Bones, Evernight, A Discovery of Witches, A Court of Thorns and Roses
<b>Hero/Heroine is attacked by supernatural creatures</b>	Harry Potter, Twilight, Blue Bloods, Vampire Academy, City of Bones, Faefever, Bad Moon Rising, Fallen, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Shadow and Bone, Ninth House
<b>Romantic lead has model-like looks</b>	Vampire Diaries, Twilight, Blue Bloods, Marked, Vampire Academy, Faefever, Evernight, Fallen, A Discovery of Witches
<b>Romantic lead is "bad boy with a good heart"</b>	Vampire Academy, Faefever, Fallen, A Discovery of Witches, Bad Moon Rising
<b>Romantic lead is powerful supernatural creature</b>	Vampire Diaries, Twilight, Blue Bloods, Marked, Vampire Academy, City of Bones, Faefever, Bad Moon Rising, Fallen, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches

<b>Trope</b>	<b>Books Featuring (non-exhaustive)</b>
<b>Hero/Heroine meets romantic lead right away</b>	Vampire Academy, Twilight, Marked, Vampire Academy, Evernight, Faefever, Bad Moon Rising, Fallen, Shiver, Beautiful Creatures, A Discovery of Witches
<b>Hero/Heroine and romantic lead have instant connection</b>	Evernight, Bad Moon Rising, Faefever, Shiver
<b>Hero/Heroine and romantic lead have initial aversion/annoyance but end up falling in love</b>	Vampire Diaries, Twilight, Vampire Academy, City of Bones, Faefever, Bad Moon Rising, Fallen, Hearts at Stake, A Discovery of Witches, A Court of Thorns and Roses
<b>Hero/Heroine and romantic lead are soul mates or “bonded”</b>	Vampire Diaries, Twilight, Vampire Academy, Faefever, Bad Moon Rising, Fallen, A Discovery of Witches, Shadow and Bone
<b>Hero/Heroine and romantic lead are conflicted by attraction</b>	Vampire Diaries, Twilight, Glass Houses, Vampire Academy, Blue Bloods, Evernight, Bad Moon Rising, Fallen, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Shadow and Bone, Ninth House
<b>Romantic lead breaks hero/heroine’s heart to save him or her</b>	Twilight, Fallen, Shadow and Bone
<b>Hero/Heroine and romantic lead profess their love</b>	In a romance, this should be a given for every book.
<b>Hero/Heroine and romantic lead share an epic kiss</b>	Ditto
<b>Hero/Heroine rescues romantic lead</b>	Twilight, Glass Houses, Vampire Academy, City of Bones, Evernight, Faefever, Bad Moon Rising, Fallen, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Ninth House
<b>Romantic lead rescues hero/heroine</b>	Twilight, Glass Houses, Vampire Academy, City of Bones, Evernight, Faefever, Bad Moon Rising, Shiver, Beautiful Creatures, Hearts at Stake, A Discovery of Witches, Ninth House
<b>Romantic lead has dark secrets</b>	Vampire Diaries, Twilight, Blue Bloods, Vampire Academy, Evernight, Faefever, Bad Moon Rising, Fallen, Shiver, Hearts at Stake, A Discovery of Witches
<b>Dangerous for hero/heroine and romantic lead to be together</b>	Twilight, Vampire Academy, Evernight, Faefever, Bad Moon Rising, Fallen, Beautiful Creatures, A Discovery of Witches, Shadow and Bone
<b>Love triangle</b>	Vampire Diaries, Twilight, Fallen, The Summoning, The Summer I Turned Pretty, The Forest of Hands and Teeth, The Vincent Boys, The Vincent Brothers, Unravel Me, Red Queen, To All the Boys P. S. I Still Love You, Shadow and Bone

<b>Trope</b>	<b>Books Featuring (non-exhaustive)</b>
<b>Love triangle involving siblings</b>	Vampire Diaries, The Summoning, The Forest of Hands and Teeth, UnRavel Me, Red Queen, and The Summer I Turned Pretty and The Vincent Brothers (both YA Romance, not paranormal)
<b>Rival houses/supernatural war</b>	Harry Potter, Blue Bloods, Vampire Academy, Evernight, City of Bones, Faefever, Bad Moon Rising, Hearts at Stake
<b>Choosing light or dark, or restoring “valance”</b>	Fallen, Beautiful Creatures, Shadow and Bone, In the Kingdom of Light and Shadow
<b>Secret organization of supernatural creatures</b>	Harry Potter, New Moon, Glass Houses, Blue Bloods, Marked, City of Bones, Bad Moon Rising, Hearts at Stake, A Discovery of Witches, In the Kingdom of Light and Shadow
<b>Secret sanctuary location</b>	Harry Potter, Blue Bloods, Glass Houses, Bad Moon Rising (and throughout Dark Hunters series), Iced (and entire Fever series)
<b>Mythology/fairy tale roots</b>	Marked, Faefever, Bad Moon Rising, Hearts at Stake, Shadow and Bone, Cinder, Scarlet, Cress, Reawakened, Children of Blood and Bone, Spin the Dawn, A Curse So Dark and Lonely, Beasts of Prey, Flame in the Mist, Lore
<b>Magical guide or mentor</b>	Blue Bloods, Glass Houses, Marked, City of Bones, Faefever, Beautiful Creatures, Shadow and Bone
<b>Entering other realms</b>	Marked, City of Bones, Fever series, Dragon Heart Legacy, A Curse So Dark and Lonely, A Court of Thorns and Roses, Ninth House
<b>Objects of power and magic</b>	Harry Potter, Glass Houses, Marked, The Mortal Instruments, Fever series, Shadow and Bone, A Discovery of Witches, Spin the Dawn
<b>Vengeance for death of loved one</b>	Hearts at Stake, Fever series, A Discovery of Witches, Gravemaidens
<b>Magical creatures forbidden to mix</b>	Twilight, City of Bones, A Discovery of Witches
<b>Hero/Heroine is kidnapped</b>	Twilight, Glass Houses, Vampire Academy, Faefever, Fallen, A Discovery of Witches

#### **IV. Blue Moon Rising/Masqued**

As noted above, I reviewed two versions of *BMR* to inform my opinions: (1) a draft entitled “*Blue Moon Rising*” beginning with Bates number LF03750, which I have been informed was created in April 2011 (the “2011 Draft”); and (2) a draft entitled “*Masqued*” beginning with Bates number LF06904, which I have been informed was created in February 2013 (the “2013 Draft”). Counsel informed me that these are the two versions of *BMR* that the plaintiff selected pursuant to an order by the Court. In the following discussion, I have provided a brief summary of these manuscripts after having reviewed them. My summary is not intended to take the place of a lay reader’s review,



but rather intended to provide background for my expert analysis below regarding the extent to which *BMR* contains common tropes and themes in the YA Paranormal Romance genre.

## **A. Summary Of 2011 Draft**

### **1. Plot**

The 2011 Draft of *BMR* is about Anna (Annelise) St. Claire, who moved from San Diego to Anchorage at the age of seven with her mother and aunt after the death of her father and grandparents in an apparent tragic elevator accident. The reader is first introduced to Anna, who is 16 and a junior in high school, while she is having a Tarot card vision. Anna has been having disturbing visions and dreams since school started three weeks ago and notices that her “abilities” have been acting up. Anna, whose Aunt Brienne and mother Marcheline are descended from a line of natural-born witches, has learned to pay attention to her dreams that foreshadow “doom and destruction” because they always come true. Anna knows that her mother and aunt are keeping secrets from her and Marcheline condemns Anna’s interest in the “Craft” (a form of magic). Anna also develops a strange tingling rash on her neck that seems to be moving and growing; Anna’s aunt gives her “vanishing cream” which causes the rash to temporarily disappear. Anna constantly feels watched and is stalked by a raven who ends up being Ronan O’Faolain, an evil demon.

Anna attends a normal public high school in Anchorage. As the school year starts, the MacKay family moves to town. The parents will be teaching the Ancient Global Studies class, and their twin son and daughter, Ash and Lily, will be Anna’s new classmates. Ash and Anna are drawn to each other instantly, and they find it hard to stay away, even though each of their families is trying to throw up roadblocks. Anna soon discovers that Ash and his family are powerful shapeshifters fighting in a supernatural war of good versus evil. The MacKays are searching for a girl who is tied to both light and dark and who seemingly will be the key to tipping the balance of power one way or the other. The demons are also looking for this girl in the hopes of using her for evil. Because the MacKays are on the side of light, it is their mission to destroy this girl, as they cannot risk her choosing the dark side. Meanwhile, for the past four months, teen girls have been abducted on each full moon by powerful entities trying to find “the One” before her power manifests. Ash does not realize Anna is “the One” and swears to protect her no matter the cost, but that promise is hard to keep when demons descend on Anchorage, trying to control Anna for their own benefit. Anna doesn’t know who to trust as she searches for her destiny, fights to survive attacks on her life and free will, and attempts to connect with her ancestors for guidance. After she is abducted by a vampire named Julian, who believes Anna is a reincarnation of his deceased wife, she begins to question everything she knows about her family, including whether Marcheline is truly her mother. Anna has the chance to rescue her father in another realm, but mistakenly releases the evil druid Ronan O’Faolain into the world instead.

Although I have been informed (and know from reviewing the 2013 Draft) that different drafts of *BMR* have different endings, the 2011 Draft has a cliffhanger-type ending, with it being up to Anna to save the world from the evil Ronan and bring her father home.

## 2. Main Characters

**Anna (Annelise) St. Claire** is the main point-of-view character of the book. She is the daughter of a powerful paranormal family. On her mother's side, Anna descends from the "High Priestess of Avalon." Anna's father and his family line were powerful werewolves and Sentinels who protect humans from demons. Coming from a family of witches, she has the power to read Tarot cards, and she often knows things are going to happen before they do. But the closer she gets to her 17<sup>th</sup> birthday, the more she is plagued by dark visions which end up coming true.

**Taylor** and **Amanda** have been Anna's best friends since she moved to Alaska in the second grade. But when Anna draws attention from Ash MacKay, the new boy at school, Taylor, who is used to being the Queen Bee of their friend trio, is extremely jealous and vindictive. Taylor convinces Amanda to ice Anna out, which breaks her heart.

**Ash MacKay** is Anna's love interest. He recently moved to Anchorage with his twin sister and his parents, who will be teaching at their high school. He is described as heartstoppingly gorgeous—tall and slim with tousled rich brown hair and supermodel looks. Anna and Ash have an instant attraction, which drives a wedge between Anna and her friends because of Taylor's jealousy. Initially unbeknownst to Anna, Ash is a werewolf, and a Sentinel sworn to protect humans from demons in the world.

**Lily MacKay** is Ash's attractive sister, also a werewolf and Sentinel.

**Baen MacKay** is Ash's father, also a werewolf, Sentinel, and an ancient Berserker. He teaches Ancient Global Studies at the public high school Anna and the others attend.

**Caitlin MacKay** is Ash's mother, also a werewolf and Sentinel. She also teaches Ancient Global Studies at the high school.

**Cousin Mac** is Ash's cousin and is bonded to a woman named **Fiona**.

**Marcheline** is Anna's mother. She has Wiccan powers that she no longer chooses to use. Anna and her mother have a strained relationship; she is very fearful and overprotective of Anna, and also extremely controlling and secretive.

**Brienne** (Aunt Brie) is Anna's aunt and Marcheline's sister. She is the calming and supportive adult in Anna's life. Brienne is a natural-born witch—"a card carrying, crystal packing, Wiccan variety"—and uses her powers to soothe Anna.

**Dante** is Anna's father, who is said to have been killed in an elevator accident when she was seven. But Anna later discovers he is trapped in wolf-form in a magical realm called Annwyn.

**Brendan** is Anna's long-time friend who moves up into confidante position after her "breakup" with Amanda and Taylor. He's queer, but not out to his peers, except Anna.



**Rachel Holland** is editor of the school paper and new friend of Anna's after she is ditched by Taylor and Amanda.

**Jenny Holland** is Rachel's edgy, punky cousin and new friend, who is being wooed by Mason.

**Mason** rounds out their friend group and has a crush on Jenny that appears to be reciprocated.

**Collin** is Ash's Scottish cousin, also a werewolf. He bit Lily after she had been hurt in a car accident and she hasn't forgiven him for taking away her free will about this. But he is in love with her, and she is fighting her own feelings for him.

**Ronan O'Faolain** is an evil Druid Priest and portrayed as a possible soulmate for Anna.

**Julian** is a vampire who abducts Anna to get retribution for the suffering he believes her father caused him when he killed the love of his life, Elise. Julian also believes that Anna is the reincarnation of Elise, who is later revealed to be Anna's mother. Julian is not Anna's father though.

**Elise** (Elisabeth-Louise Vigee-LeBrun) is a vampire and the love of Julian's life.<sup>7</sup> Julian believes Anna is a new incarnation of Elise. Anna comes to believe that Elise is the High Priestess of Avalon, who appears to her in her visions of Annwyn.

## **B. Analysis of 2013 Draft**

### **1. Key Changes From 2011 Draft**

As noted above, I additionally reviewed the plaintiff's 2013 Draft, to understand the changes the author made between these two versions. While much of the story, characters, and plot are the same as in the 2011 draft, I note the following major differences.

**Length**—This draft is 15,000 words shorter, according to the word count, and almost 150 pages shorter than the earlier draft.

**Beginning**—This draft starts with a Prologue where Anna performs a tarot card reading, which is a major touchstone for her. During the reading, she asks the cards to show her what she needs to know, which sends her into a "World of Dreams," where she sees herself in a magical forest in jeopardy from contact with two werewolves. In the 2013 Draft, the book starts with Anna having a vision in the Dream World.

**Tarot card reading** is featured more prominently in the 2013 Draft and is used to organize the story.

**Background information moved earlier**—The 2013 Draft provides the reader with background information about Anna's family's, such as about her father and his death and about how the

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<sup>7</sup> Elisabeth-Louise Vigee-LeBrun is an actual historic and famous painter from the 18<sup>th</sup> century.

magical world worked, in the beginning of the book. In the 2011 Draft, background information appears much later.

**Father’s death changed**—in the 2011 Draft, Anna’s father Dante had died in an elevator accident with Anna’s grandparents. In the 2013 Draft, he had died alone in an airplane crash.

**Taylor’s character** has changed significantly. Instead of all three girls being close friends (as in the 2011 Draft), in the 2013 Draft Amanda and Anna are close friends, while Taylor is now an interloper who comes between the two.

**The Gloaming**—Ash brings Anna into an area called “the Gloaming,” both so Anna can experience that charmed part of the world and to give the two of them some breathing room to be together. The Gloaming appears throughout the story and becomes a key part of the ending—when they go to “Sanctuary,” which is a neutral territory only accessible by supernatural creatures and is accessed through a famous bar in Anchorage.

**The Nyx**—A “Nyx” is the offspring of a Light being and a Shadow being—a demon—and they always take after their Shadow parent. They’re believed to be evil. The concept of the “Nyx” being the Chosen One, introduced midway through the book, is a key concept in the 2013 Draft, but not included in the 2011 Draft.

**Ronan Faolain**—there are hints throughout this new version that Ronan may not be as evil as many believe (although this is ambiguous throughout the novel). The spelling of his name is slightly different as well.

**Reveal of Anna’s non-human heritage**—this is revealed much earlier in the book as compared to in the 2011 Draft.

**Anna’s relationship with her mother**—Marchalene (spelled Marcheline in the 2011 Draft) is not quite as harsh or evil in the 2013 Draft as she is in the 2011 Draft. Their relationship is more ambiguous, and there are moments of apparent connection and love.

**Incubi**—Julian is now depicted as an incubus (a creature who feeds off human energy but whose human victims don’t need to be asleep), not a vampire, which changes his scenes considerably.

**Secret supernatural friends**—Toward the end of the book it is revealed that all of Anna’s school friends are secretly supernatural—Brendan is a Faery, Jenny is a Siren, Rachel is a Ban Sidhe, Mason is a Leprachaun, and Taylor and Amanda are Succubi. None of this is present in the 2011 Draft.

**Dante’s fate**—although it is not entirely clear, Dante’s backstory, supposed death, and his fate in Avalon have been enriched and changed.

**Ending**—The author has added a new chapter to end the book, where a distraught Anna flees in a car, has an accident and is rescued by Ronan—leaving their electric connection fresh in readers’ minds. There is also a two-page list of musings from an unidentified character.

## V. The Young Adult Fiction Category

To provide background for my analysis below concerning common tropes in YA Paranormal Romance (and similar genres), I begin with a brief overview of the history and development of YA fiction. Following that, I briefly summarize notable YA Paranormal Romance books, which will be used in Section V below to demonstrate that *BMR* contains common tropes that are widely used in the genre.

### A. Brief History Of The YA Category

Prior to the mid-2000s, books for young adults generally fell into the following categories:

- **“Problem novels,”** predominantly in the 1970s, which focused on teen issues. Examples include *The Outsiders* by S.E. Hinton (1967), Paul Zindel’s *My Darling, My Hamburger* (1978), John Donovan’s *I’ll Get There, It Better Be Worth the Trip* (1970), Alice Childress’s *A Hero Ain’t Nothin’ But a Sandwich* (book in 1973, movie in 1978), Beatrice Spark’s *Go Ask Alice* (book in 1971, TV movie in 1973), Judy Blume’s *Forever* (1975) and Robert Cormier’s *The Chocolate War* (book in 1974, movie in 1988).
- **Genre fiction** for teens in the 1980s, including **horror** from R. L. Stine (Fear Street series) and Christopher Pike’s *Slumber Party* (1985), *Chain Letter* (1986), and the Remember Me series (beginning in 1989); and **frothy friendship** and **romance** series like Sweet Valley High.
- **Contemporary realism** and **contemporary romance** from the 1990s to mid-2000s, which encompassed books about real teens and their friendships and romances. Examples include *That Summer* (1996) and *Someone Like You* (1998) by Sarah Dessen, *The Perks of Being a Wallflower* (book in 1999, followed by a movie in 2012) by Stephen Chbosky, Meg Cabot’s 10-book *The Princess Diaries* (beginning 2000, followed by first movie in 2001 and second movie in 2004), *The Sisterhood of the Traveling Pants* (book in 2000, followed by a movie in 2005), *Gossip Girl* by Cecily Von Ziegesar (first book in 2002, followed by first TV show in 2007 and second TV show in 2021), and Sara Shepard’s *Pretty Little Liars* series (first book in 2006, followed by several TV shows). The Young Adult Library Association reported that the YA book category grew 20% between 1999 and 2005, largely due to the successes of these genres and books.
- **Paranormal romance** and **dystopian** from the mid-2000s to the mid-2010s, which encompassed books about teens in extreme situations that sparked epic love stories. The paranormal romance category is the subject of this report and is explored in depth below. Examples of dystopian novels of this time period are the four-book *The Hunger Games* series by Suzanne Collins (first book in 2008, followed by four movies between 2012 and 2015), the five-book *The Maze Runner* series by James Dashner (first book in 2009, followed by three movies between 2014 and 2018), and the four-book *Divergent* series by Veronica Roth (first book in 2011, followed by the first movie in 2014, second movie in 2015, third movie in 2016).

The YA category exploded in the mid-2000s to the mid-2010s to heights never seen before or since thanks to the demographic bulge of the Millennials, the largest generation since the Baby Boomers, aging into the teen market, coinciding with the unprecedented cross-generational success of the Harry Potter series. The Harry Potter books originally began as a fantasy series for a middle school audience. But as its characters aged in each book and became teens, so did the series' fans who grew up with Harry, Ron, and Hermione. Their love for these books led them to clamor for more books in the **fantasy** genre. And the series' success inspired other authors to write fantasy with romance to satisfy the demand, setting the stage for the second YA golden age. The Harry Potter series was the first book series for young people to cross over to adult readers, taking over the *New York Times* adult bestseller list and selling 500 million copies worldwide, through 2022 according to *The Independent*.<sup>8</sup>

Most people in publishing viewed Harry Potter as a once-in-a-generation phenomenon, until *Twilight* burst onto the scene. Although there had been other vampire novels before *Twilight*, this story of forbidden love between a seemingly ordinary human girl and an extraordinary vampire who was obsessed with her changed the genre when it exploded onto the bookstore shelves in October 2005. Debut author Stephenie Meyer received a groundbreaking \$750,000 advance for three books from Little Brown, the most the publisher had ever paid a debut novelist. The book went on sale in October 2005, and the subsequent books in the series followed in quick succession, selling a record-breaking 160 million copies and inspiring a multi-billion-dollar blockbuster movie franchise that grossed \$3.4 billion worldwide. The combined impact of the books and the movies changed the entire trajectory of the YA publishing landscape.

The hallmark of the *Twilight* books were the characters and the unstoppable attraction between them. The chemistry between the protagonist, Bella (an ordinary human girl), and her male love interests, vampire Edward and werewolf Jacob, had readers hooked immediately and spoke to many girls and women who fantasized about a hero seeing something special in *them*. By bringing the vampires into the familiar setting of a public high school, the book reached readers who might never be interested in a more traditional fantasy or paranormal book. It was the perfect blend between our world and the fantasy world with an addictive love story that inspired passionate debate between fans of "Team Edward" and "Team Jacob." Mothers and daughters formed cross-generational book clubs and read the books together. Teen book clubs sprang up too. As readers devoured the books quickly and came looking for more, that hunger for more opened the floodgates for the **YA Paranormal Romance genre** to boom, as readers waiting for the next *Twilight* book to come out scoured bookshelves for other similar books to tide them over. Numerous other titles, which contain many of the same tropes, themes, and character archetypes, followed suit and are included in the discussion below. After demand for fresh paranormal books quelled, YA fiction turned to:

- **Crime/mystery, social justice, and "romantasy"** from the late 2010s to present, which encompassed books about teens in challenging current conditions and books about teens in invented magical worlds with epic love stories. Examples include *One of Us Is Lying* by Karen McManus (book in 2017, followed by a TV show in 2021), *The Hate You Give* by Angie Thomas (book in 2017, followed by a movie in 2018), *Children of Blood and Bone*

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<sup>8</sup> "Harry Potter was the last great pre-internet phenomenon." *The Independent*, Jessie Thompson, June 25, 2022, [independent.co.uk/arts-entertainment/books/features/harry-potter-books-jk-rowling-b2107748.html](https://www.independent.co.uk/arts-entertainment/books/features/harry-potter-books-jk-rowling-b2107748.html).

by Tomi Adeyemi (book in 2018, followed by a TV show in development), *An Ember in the Ashes* by Sabaa Tahir (2015), and *The Gilded Ones* by Namina Forna (2021).

- **Twilight** and **Hunger Games Renaissance** from 2020 to present, which encompasses new books in the paranormal and dystopian genres. Examples include *Midnight Sun* by Stephenie Meyer (book in 2020), *The Ballad of Songbirds and Snakes* by Suzanne Collins, (book in 2020, movie in 2023), *The Beautiful* by Renee Ahdieh (Book 1 of 4, published in 2019), and the Crave series by Tracy Wolff (first book in 2020).

## B. Notable Books in the YA Paranormal Romance Genre

A paranormal book contains storylines featuring supernatural creatures, including vampires, werewolves, witches, dragons, mermaids, demons, ghosts, aliens, etc. or humans with supernatural powers such as ESP, clairvoyance, telepathy, and precognition. Paranormal elements can be combined with romance, urban fantasy, steampunk, science fiction, horror, mystery, and more. As such, YA Paranormal Romance simply takes familiar paranormal elements and adds a romance storyline (dating, attraction, love, etc.)

In the rest of this report, we will be focusing on books within the YA Paranormal Romance genre specifically (with one notable exception up front). This section briefly describes a number of notable books within that category, and uses bold emphasis to identify common tropes, many of which appear in *BMR* and are alleged in this case to be infringing.

### 1. Harry Potter

The Harry Potter series by J.K. Rowling is not YA Paranormal Romance. It begins as a middle grade series that ages up to YA with Book 3 and incorporates multiple genres including YA Fantasy and YA Paranormal. I have included it in this report and my analysis below due to its wide popularity and because it inspired many familiar tropes that made their way into other fantasy and paranormal books for all ages. The Harry Potter series encompasses seven books beginning with *Harry Potter and the Sorcerer's Stone* (1997) through *Harry Potter and the Deathly Hallows* (2007).

Harry Potter centers on Harry, an **orphaned boy** whose **parents were murdered** by an evil nemesis, Lord Voldemort. Harry initially **believes he is a normal human**, but discovers on his eleventh birthday that he is not only a talented wizard and member of a widespread magical community that he never knew existed, but he is the “**chosen one**” ultimately charged with defeating Voldemort and his followers to **save the world**. Harry attends a **remote, magical school** where he studies magic, makes friends, and fights enemies, including leading the charge in an **expansive factional conflict** between the forces of **Light and Dark magic**. Along the way, Harry learns a number of surprising truths about his parents, professors, and his role in magical prophecy.

## 2. Twilight

As explained above, *Twilight*'s story of vampiric love, family, and discovering the extraordinary in a seemingly ordinary world sparked a worldwide boom for YA Paranormal Romance, and other YA genres.

The protagonist in *Twilight* is **seventeen-year-old** Bella Swan, who **moves from** Phoenix to rainy and **remote** Forks, Washington at the beginning of the story, but never imagined the hidden world that would soon be revealed to her. The first day at her new school, Bella **meets the mysterious Edward Cullen, who seems to hate her on sight**. Edward and his striking family are the subject of gossip and speculation because they keep their distance from other students. But when Edward and Bella are assigned to be partners in their science class, he can't run away from his feelings for her. And Bella can't deny her fascination with the enigmatic Edward, even though she is warned away from the Cullens by family friend Jacob Black because of his Quileute tribal lore, and the fact that his elders have passed down their werewolf genes and their packs' agreement with the Cullen vampires to stay off Quileute land.

After **Edward mysteriously saves Bella** from being crushed by a van in the school parking lot, Bella discovers that he is a **vampire with super strength and lightning-fast reflexes**. And **the whole Cullen clan are vampires**. But they are benevolent vampires who have forsworn human blood and exist solely by hunting animals for the blood to sustain them. The more she learns, the deeper in love Bella falls deeper with Edward, his family, and their way of life. And they quickly come to love her too. His sister Alice is overjoyed that Edward, the only lonely vampire in their family, has finally found someone to love. And she is determined to become Bella's best friend and strongest advocate. The fact that Alice **can see future events before they happen** helps to **save Bella's life** and helps to convince the couple that **they belong together**.

But outside of the Cullen family, the other vampires in the world don't approve of Bella and Edward's connection. When the Cullens bring Bella out into the woods for a vampire-powered game of baseball, they are **surprised by a trio of vampires** passing through their territory while hunting. The group is led by a Tracker named James and they disapprove of the Cullens fraternizing with a human. Edward—who can read everyone's mind, except Bella's—heard James's intent to hunt Bella and challenge Edward's "possession" of her—because her scent is irresistible to vampires. The Cullens have to close ranks around Bella and come up with a plan to stop the Tracker and save her life at all costs.

## 3. Other Popular Books In The YA Paranormal Romance Genre

All of the biggest YA sellers of this time period combined Paranormal and Romance, which was a key to *Twilight*'s success, as readers took sides for either "Team Edward" or "Team Jacob." Although there were paranormal books without romance published at that time, I have not included them here. Titles are listed in the order of their publication.



**Vampire Diaries, The Awakening by L. J. Smith, (Book 1 of 13, originally published in 1991, reissued in 2007, followed by a TV series in 2009)**

Elena Gilbert is the **Queen Bee** of her high school and used to getting her way. So when she sets her sights on Stefan, she can't understand why he is turning her away. But **Stefan is a vampire, and he breaks her heart to save her** from the danger he would bring into her life. She feels Stefan's goodness and wants it for herself. Then **his bad boy brother** Damon arrives, and the darkness that he brings with him is alarming—and irresistible. In the ultimate **love triangle, the brothers both fall** for Elena because she reminds them of a woman they both loved and lost in the past, and now the same struggle between the two of them begins anew. The original four-book series was published in the early 90s but was reissued once *Twilight* sparked a new vampire trend. The property grew into multiple series and spin-offs (and became a very successful TV series).

**Blue Bloods by Melissa de la Cruz (Book 1 of 9, published in 2006)**

Schuyler Van Alen is **about to turn 15**, and she's starting to have **strange visions** and cravings. **Her father is dead and her mother has been in a coma** for most of her life, so she **lives with her grandmother**, Cordelia. She always **felt so ordinary** compared with the beautiful students at **The Duchesne School, a prestigious private school for the wealthy vampires** called Blue Bloods. But the students don't know they are vampires until their orientation from **The Committee**, when they are **turning 16**. Ultimately, Schuyler discovers that she is **the Chosen One**, the only half-human and half-vampire born to Blue Bloods, and her mother is the archangel Gabriel in a female persona using the name Gabrielle. In **a twist on classic vampire lore**, all the Blue Blood vampires are fallen angels. There are **two factions** among the fallen angels, and it is up to Schuyler to defy **the Conclave**, and find out how to stop the Silver Bloods, who are killing the Blue Bloods. Schuyler's love interest, Jack Force, **has model-like looks**, but they can't be together because of their **complicated past-life history**. But **will the attraction between them in this life be impossible to ignore?**

**Glass Houses by Rachel Caine (book 1 of 16 in the Morganville Vampires series, published in 2006, followed by a TV series in 2014)**

**Sixteen-year-old** Claire Danvers graduates from high school early and **moves to remote Morganville** to attend Texas Prairie University. Claire's **super intelligence and love of books** lead her to publicly embarrass Monica—a student with powerful connections and violent tendencies. After a brutal confrontation, Claire moves off campus to a **large Gothic “Glass House” with unusual powers and protections**. Her new housemates tell her their **town is run by mob-like vampires** and Monica is under vampire protection. One of Monica's vampires finds Claire at Common Grounds, a coffee house **that also functions as a sanctuary where humans and vampires can mix safely** under the protective eye of its owner Oliver. But the moment Claire and her housemate Eve step out the door, **they are attacked by a vampire named Brandon**. Their roommate Shane, **Claire's love interest, saves them both just in time**. Whenever Claire leaves the Glass House, she comes under attack, so **Shane makes a deal with Brandon to save Claire**, putting his soul in serious jeopardy. When Claire hears that the Morganville vampires have all been searching for a powerful book, she sets out to find it and use it to make a deal to save Shane's soul. **She is the One who can find it—because of her super intelligence and affinity for books**

and when she does, she goes to ask Oliver to help broker a deal with the vampires. When leaving Common Grounds, **Claire is kidnapped by Monica**, but gets away. When she tells her housemates about making a deal with the book, Michael reveals that Oliver is really a vampire who killed him while trying to turn him. Instead of truly dying, the powerful House made Michael a ghost by day/human by night, as long as he stays within its walls. Soon, **the House comes under attack by vampires** and human police searching for the book. The four roommates mount a valiant defense, **with Claire and Shane each saving the other during the battle**, but they are almost defeated until Amelie, the oldest and most powerful vampire of all, comes to their aid. Amelie's offers protection in exchange for the book—which holds the instructions for turning humans into vampires. Amelie vows to destroy the book to save vampires and humans if they give it to her. The book's destruction will secure her power over all vampires and will guarantee the roommates safety. The roommates take the deal, **binding them to Morganville and each other forever**.

**Vampire Academy by Richelle Mead (Book 1 of 6, published in 2007, followed by a movie in 2014, a TV series in 2016, and a second TV series in 2022)**

This is a classic example of a **supernatural school** in a **remote location**, with a student body made up of **vampires**, called Moroi, and their half Moroi/half Human Guardians. There are **rival factions**—the Moroi and the Strigoi—who are **at war** with each other. The two main characters—Lissa Dragomir, Moroi princess and Rose Hathaway, her dhampir guardian—are **high school seniors** at Vampire Academy. Rose is a **kick-butt heroine**, and her job is to protect Lissa at all costs. Lissa is a powerful healer, and when she brought Rose back from death, the two of them being **bonded for life**. Rose has **visions** that show her what Lissa is doing and feeling at moments of heightened emotions. Lissa's **family died in a car accident**, and now her path is to fulfill her family's role in Court. The series ends with **Lissa being crowned Queen**. Each girl has a love interest. Rose and Dimitri Belikov have an **enemies-to-lovers** romance, but they **bond over their guardian training** and dedication to protect Lissa. Dimitri has **model-like looks** and **saves both Rose and Lissa's life** when **Lissa is kidnapped** and **Rose is attacked by a Strigoi vampire** trying to save her. It's **dangerous for Lissa and her love interest, Christian Ozero, to be together** because he comes from a disgraced parents who turned Strigoi and his loyalties are considered suspect.

**Marked by P. C. Cast and Kristin Cast (Book 1 of 12 in The House of Night series, with additional novellas and spinoffs, published in 2007)**

**Sixteen-year-old Zoey Montgomery** is marked by a vampyre Tracker at school one day, changing her life in an instant. Being marked with the sapphire crescent moon on the forehead means that Zoey has to leave her family and **move to the House of Night for training**. Before she goes there, Zoey has a vision where she meets **Nyx**, the vampyre Goddess who tells her she is **the chosen one** who will be Nyx's eyes and ears in the world. Zoey **must bring balance to the world**, which is struggling between good and evil. But **darkness doesn't always equate to evil, and light doesn't always bring good**. When Zoey begins her life **as the new girl at The House of Night, a gothic school** for fledgling vampyres, she is mentored by Neferet, the **High Priestess of Nyx**. While touring the campus, Zoey sees a gorgeous guy breaking up with his girlfriend. Later, she meets the guy, Erik Night and **they are instantly drawn to each other**. This makes the spurned girl, Aphrodite, **her immediate enemy**—which is problematic since Aphrodite is the leader of **the**



school's elite club, the **Dark Daughters** and in training to be the next **High Priestess**. Aphrodite soon reveals her **mean-girl nature** and is shown to be unworthy of the power and position that will come to her as **High Priestess**. As **Zoey demonstrates unique vampire abilities**, she also discovers that her **unprecedented power allows her to control the magical five elements (Air, Fire, Water, Earth, and Spirit)**. She must **use the powers gifted to her by Nyx** to depose Aphrodite to protect the other fledglings at the school and **take her rightful place as the next High Priestess in training**.

**City of Bones by Cassandra Clare, (Book 1 of 6 in The Mortal Instruments series, published in 2007, followed by a movie in 2013 and a TV series in 2016)**

**Fifteen-year-old Clary Fray's ordinary human existence** is upended in one night, when she and her **hot guy best friend Simon** go to a club called **Pandemonium** and sees three unusual people confronting and killing a demon in the club's back room. Isabelle, Alec and Jace are **Shadowhunters who protect humans from the demons, vampires, werewolves and other evil creatures preying upon them**. Jace, who is **model-gorgeous** quickly **recognizes that Clary must have magic to her—he just doesn't know what it is**. The Shadowhunters vanish before her eyes, leaving Clary unsure of what just happened. She and Simon return to Brooklyn, but the weirdness continues when her mom and Luke, her close friend and father surrogate (**her father died when she was a baby**), suddenly insist they have move to the country house for the summer. Clary and her mom have a big blow up and Clary walks out, unaware that she will **never see her mom** or live in the brownstone again. When she returns home, her apartment is ransacked, her mother is missing, and **Clary is attacked by a demon and saved by her Love Interest Jace**, who brings her to the **Institute, a gothic refuge, library** (so tempting for a **book lover like Clary**) and research facility for Shadowhunters. There she meets Hodge Starkweather, who reveals that her mother was a Shadowhunter who fled from her then-husband Valentine, who led an evil uprising against **their ruling body, the Clave**, because he wanted to purify the world from Downworlders and other less-thans. Valentine had **used the Mortal Cup to try to create an army of evil Shadowhunters**, and when he was defeated the Cup disappeared. **Clary's mom hid her from the supernatural world, and had a wizard block Clary's memory** to protect her from being aware of it. But with the discovery of her magical ability, Clary must work with Jace and Hodge to find the Cup and her mother, and **save the world** from the reemergence of Valentine and his Circle **as the two factions fight—light against the darkness**. There is **portal magic, Sanctuaries** (in houses of worship) and many **objects of power** to wield in the ongoing battle that will take place over the course of a long series.

**Evernight by Claudia Gray, (Book 1 of 5, published in 2008)**

Bianca is **new** to Evernight Academy and **just moved** to Riverton. Since her parents have accepted teaching positions at the **gothic private school**, the **nightmares** that have plagued her have worsened and Bianca **feels trapped**. But she hates it so much she runs away before the first day of the semester, literally running into Lucas, another new student who is just arriving. Somehow, their **instant attraction** makes returning to the school seem a little more bearable. But Evernight Academy is **full of secrets**, and as Bianca approaches her 16<sup>th</sup> birthday, her hidden vampire cravings can't be denied and she ends up biting Lucas, who is a human and **forbidden for her to love**. Lucas **saves her from danger** when they are in the town, but she later discovers that he came

to Evernight because he is **a vampire hunter for Black Cross**, their ultimate enemy. Her parents reveal that she is **the chosen one**—the only vampire born, not made, for two hundred years. But what will she risk to be with Lucas?

**Fae fever, Iced and Kingdom of Light and Shadow by Karen Marie Moning (Books 3, 6, and 11 of 11 in the Fever series, published in 2008, 2012, and 2021 respectively)**<sup>9</sup>

MacKayla Lane **evolves from very human pink party girl/Southern Belle** at the beginning of the series, to **kick-butt sidhe-seer to supernatural Queen of Faerie and Soul Mate to the ultimate Beast**, Jericho Barrons, and **savior of the world** by series end. In the **ultimate battle between Light and Shadow**, all the supernatural creatures converge on Dublin, Ireland, to try to prevent (or hasten, depending on chosen side) the Wall between Faerie and Earth from falling. Unusual alliances form and crumble as the Wall ultimate falls and it's up to Mac and her friends to rebuild Earth and Faerie anew from the ashes of the old world. Mac's story is driven by death—in this case **the death of her sister**, which drives her to **move from Georgia to Ireland** to find her sister's killer. Along the way, Mac discovers that she and her sister, Alina, **were hidden** away in small-town Georgia to protect them, and their **parents aren't their real parents**, that **she isn't really human**, and that she is **the Chosen One** to save the world. **There is a sanctuary called Chester's**, nightclub where all different creatures and humans can party, plot, meet and mingle with their safety guaranteed by club owner Ryodan, who is one of **The Nine**, eternal and uber-powerful Beasts. Barrons is the leader of the Nine, and Ryodan is their spokesperson. Over the course of the books, **Barrons and Mac** have an **Enemies to Lovers** arc and **become bonded soul mates**, and their combined power and love is what helps turn the tide against the Dark. **Barrons is the ultimate bad boy**. He and MacKayla **take turns saving each other's lives as they are attacked by supernatural creatures again and again** throughout the series. The books lean heavily on Celtic and Druid mythology.

**Shiver by Maggie Stiefvater, (Book 1 of 4 in the Wolves of Mercy Falls series, published in 2009)**

**Seventeen-year-old Grace was attacked by werewolves** in her backyard when she was eleven **but she never turned into a werewolf** herself. The pack's unusual, yellow-eyed **wolf saved her life** and has taken on the role of **her protector** over the years. Her **parents aren't dead, but they are absent by choice** because they are so self-absorbed. While they pursue their own dreams, they leave her to mostly fend for herself. **Eighteen-year-old Sam's** life has been torn in two for as long as he can remember. In the cold months, **he runs with his werewolf pack** through the **remote Minnesota forest**. Then when the weather warms up, he transforms into a human boy, until the cold weather returns. No matter what physical form he takes, his obsession with the human girl in the woods is the same. This summer, there are hunters in the woods stalking these unusual wolves after a popular high school teen has been killed by the pack—and his body disappears. When Grace discovers a familiar, yellow-eyed boy naked with a bullet in his neck at her house, **she** gets him medical help that **saves his life**. But **Sam has secrets** that jeopardizes their ability to stay together.

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<sup>9</sup> This series is for more mature readers only due to the sexual and violent aspects of the books. But it combines paranormal romance with dystopian fiction and is included here to show the many tropes that cross-pollinate these genres and age categories. I have highlighted three different books in the series to highlight tropes from different stages of both the heroine's evolution and the drastic changes in the world-building.

Shelby, the Alpha female of their pack, sees Sam as the Alpha male and her mate—and she’s willing to kill any wolf—or human—who will take Sam away from her. Can Sam **protect Grace from Shelby’s attack**? And there’s an even greater risk to their growing relationship. As werewolves age, they eventually stop returning to human form for good, and this is Sam’s final human summer. Sam must find a way to **share his secret** with Grace so they can figure out a way for him to stay human when the cold weather returns or he will lose Grace forever. How did Grace stay human after being bitten? Is she **the Chosen One**, or is there a more practical, scientific reason that could help the other wolves in the pack reclaim their human lives?

**Hearts at Stake by Alyxandra Harvey (Book 1 of 6 in The Drake Chronicles published in 2009)**

Solange Drake is the only girl in her family, with seven overprotective older brothers determined to keep her safe at all costs. They’re also training her in martial arts so she can do her best to save herself, if something goes wrong and she finds herself on her own. Why does she need protection? Solange is **the Chosen One**—the first female vampire who was born, not made in over 800 years. As **she reaches her sixteenth birthday** and is **about to come into her power**, the whispers about the **prophecy foretelling her future as vampire queen to unite all the warring vampire factions** grow into shouts and ripples throughout their world and suitors are clamoring for her hand. Solange just wants to live her life in the **remote woods in quiet exile from the Raktapa Council**. And luckily her **human best friend Lucy** grounds her and helps her escape from her overbearing brothers. But Lucy can’t protect her from **Kieran Black** (and the **anti-vampire Helios Ra league**), who blames the Drakes for his **father’s death** and is determined to **kill Solange to prevent the prophecy from coming true**. But Kieran **transforms from an enemy to Solange’s love interest and protector** when he infiltrates the family to get close enough to kill her. Two surprising alliances are formed to save Solange in this dual romance, with Solange’s older brother Nicky falling in love with Lucy too. *Hearts at Stake* blends **Snow White elements with Viking lore**.

**Fallen by Lauren Kate, (Book 1 of 6, published in 2009)**

After Luce becomes a suspect in her boyfriend’s murder, she is sent to **Sword & Cross, a gothic reform school**. There she meets two boys who will change the course of her life. Cam, **the irresistible bad boy**, is drawn to her immediately, but Daniel is the one that catches Luce’s attention and heart. The two of them have been in **many lifetimes together**, and it is ultimately **always fatal to Luce for the two of them to be together**. Luce discovers that **Daniel is a fallen angel**, but no matter how much **Daniel fights their bond to save Luce**, they keep being **drawn together**. Still, something about Cam also captures her heart, and the three of them are trapped in a fateful **love triangle**. Luce has been taking antipsychotic medication to control the **visions and dark shadows she sees** swirling around her, everywhere she goes. But she is determined to get off the meds, even if she has to pretend that she doesn’t see the darkness surrounding her. She can’t ignore the strange things happening at the school, or the epic battle between **fallen angels and demons** that is happening all around her.

**Beautiful Creatures by Kami Garcia and Margaret Stohl (Book 1 of 4 in the Castor Chronicles series, published in 2009, followed by a 2013 movie)**

Lena Duchannes is **new to the town of Gatlin**, arriving just in time to start school. **Her parents are dead** and she is **coming to live with her eccentric Uncle Macon**. Ethan Wate is shocked when Lena appears since **he has been having visions and nightmares about her**. Lena comes from a **powerful family of Casters**, and she is about to **Claim her power on her 16<sup>th</sup> birthday**. But **will she be Claimed as a Dark Caster or a Light Caster?** Ethan finds a locket on the Greenbrier plantation, and they both have shared **visions of the two of them in a past life** during the Civil War. When Ethan died in that war, past **Lena tried to resurrect him** using a magical Book of Moons, and that decision cursed Lena's family, **removing their free will** to decide whether each of them chooses the **Dark or Light** side of their Caster heritage. But after Lena's mother reveals she is alive by **trying to kill her daughter**, **Ethan saves her life**—and he must have some **hidden magical power** that allowed him to do so—though no one knows what it is. Ethan and Lena must find this book and figure out how to use it to give Lena the **power to choose her own destiny**.

**Bad Moon Rising by Sherrilyn Kenyon, (Book 17 of 27 in the Dark Hunter series, spanning 2002 to 2018, with this book published in 2009)**

This adult series features **a richly developed supernatural world incorporating Greek, Roman, Atlantean, Amazonian, and other mythologies** spanning the globe and human history. *Bad Moon Rising* is a love story between **werewolf** Fang Kattalakis, who is Katagaria—animals who can shift into human form—and were-bear Aimee Pelletier who is Arcadian—**humans who can shift into animal form**.<sup>10</sup> Both Katagaria and Arcadian are cursed to have their mates assigned by the Fates, without free will over the choice. But when Fang and his brother Vane save Aimee from violent Jackals who teleported into **Sanctuary, the bar with a protected venue where supernatural creatures can meet that the Omegrion have licensed to the Peltiers to run**, Aimee and Fang find themselves **drawn to each other. They know they shouldn't be together because different species are not supposed to mix. Still, they can't stop thinking about each other**. But Fang has his hands full. **He has been hiding the secret** that his brother, who is the pack leader, is really an Arcadian—which would cause the pack to kill him if they knew. He is also heartbroken that his pregnant sister is about to die because **her bonded mate** has been killed and her fate is tied to his. Aimee is keeping her own dangerous secret—that she transformed from Katagaria to Arcadian during puberty, which would break her Katagaria mother's heart. Nicolette Peltier, Aimee's powerful mother, serves on the ruling board of the Omegrion and is the leader of their werebear matriarchal family. The Peltiers have been given a license from the Omegrion to run Sanctuary, but the license is revoked when Sanctuary comes under multiple attacks and members of **Aimee's family are killed—including her parents. A war breaks out** between the Were-Hunter community and **Fang and Aimee have to save each other during the fighting**, before they can help save their families. Ultimately, **Fang and Aimee are mated** and start their own family. And with **peace restored**, they are given the license to run Sanctuary. Their motto for the bar is *Come in peace or leave in pieces...* There is complicated mythology, carried over from

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<sup>10</sup> Both Katagarias and Arcadians are descendants of a bold king who created Were-Hunters to defy the Greek gods as a way to avoid his children's premature deaths as a result of a curse from Apollo.

previous books in the series, involving **gods and daemons**, in addition to the Were-Hunter species (beyond just wolves and bears). But at its heart, this book is **a forbidden romance** about a couple who come together against all the obstacles in their path.

***A Discovery of Witches* by Deborah Harkness (Book 1 of 3 in the All Souls trilogy, published in 2011, followed by a TV series in 2018)**

This adult series is the perfect **graduation to the world of adult paranormal romance**. It features many familiar tropes and themes of the YA books in the genre and has been called Harry Potter for adults. After **her parents died**, Diana Bishop **lived with her aunts, who are witches** descended from the Bishops of Salem Witch Trial fame. But unlike the rest of her family, Diana's power is missing that magical spark. **She believes she is a failure as a witch** and turns instead to study magic, alchemy, and chemistry. While studying in Oxford, she visits the famed Bodleian Library where she uncovers discovers an ancient manuscript infused with alchemy. This discovery sets off a dangerous stirring in the magical underworld as **vampires, daemons, witches**, and other creatures all want the manuscript—**which as the Chosen One, only Diana can access**—for themselves. She finds an unlikely ally in the **irresistible “bad boy” vampire, Matthew Clairmont**. Each type of creature must stay separate from the others, at the order of their secret **ruling body, the Congregation**, so the growing **love between a witch and a vampire is forbidden**. But the magical secret hidden within the missing manuscript is that **true power lies within cross-species alliance**. In order to convince the Congregation, Diana **must unleash her long-buried power** and learn to master her unusual and valuable ability as a Weaver to unite the creatures of her world and to have a future with Matthew—even if she has to timewalk through history to find another Weaver to train her.

***Shadow and Bone* by Leigh Bardugo (Book 1 of 3, plus spinoffs, published in 2012 followed by a TV series in 2021)**

**Alina Starkov's** status catapulted from an **orphaned** expendable soldier to **magical savior** when her **special powers** are discovered by **the Darkling**, leader of the Grisha—her country's **magical elite**. Alina's country, Ravka, has been divided in two by the Shadow Fold, a dark no-man's land patrolled by monsters who eat human flesh. As she and Mal are forced to join an expedition across the Fold, their skiff comes under attack. **Mal tries to save Alina's life**, but his grave injury draws out Alina's hidden power—and as **she fights off unimaginable monsters**, she lights up the fold to **save Mal's life**. **The Darkling** believes that Alina's **Sun Summoner power** makes her **the Chosen One**, and that she can defeat the darkness in the Fold and **can unite their war-torn country** and bring him to greater glory. He is a **powerful being in his own right**, but his greatest strength is **his ability to amplify the magic of others** and use it for his own ends. He brings her to the Grand Palace, where Grisha are isolated and trained, to put her through tests and training to draw out her magical ability. She has been told **she is ugly and insignificant** her whole life, so when the Darkling finds her special, she responds to him romantically at first—even though she has loved her best friend, Mal, as long as she's known him, setting up **a dark love triangle**. But the closer she becomes to the Darkling, the more she begins to question his true motives. Has he used her need for love and affection to put her to work for his own goals? Is he really their savior and her love, or is he the **villain** with dangerous motives? There are **rival factions**—countries at war and internal **struggles between Light and Dark magic**.



## VI. Analysis Of Common Tropes In YA Paranormal Romance

A trope is an easily recognizable cliché, theme, or story. Writers use these plot devices to explore common story elements that represent the human condition. Some tropes may appear in multiple genres, while others are more specific to one particular genre.

I have an expert understanding of common YA tropes through my experience as a publisher and from all of the YA books I have read (including those discussed here and many more). Editors and publishers stay abreast of current trends and popular tropes to use in pitches, internal positioning, and for promotion. To stay current on popular trends and tropes, editors read widely in the YA category, read articles on popular book trends in professional journals, scour bookstore shelves to see which titles are being featured, and monitor book reviews, bestseller lists, and Bookscan sales for competitive titles. The information I've provided in this section is a combination of my own professional experience coupled with information gleaned from articles in professional journals, and of course my review of the books being discussed.

Based on my experience, using common tropes within key genres—especially genres like YA Paranormal Romance—is not only common practice, but **essential** for book success. Readers of YA Paranormal Romance and similar genres **expect** these books to contain familiar elements, like paranormal creatures, dangerous romance, and battles between good and evil and warring factions. The familiarity within the genre is a big part of what makes the books so appealing to readers. Readers of this genre crave such familiarity and expect certain themes, plot points, and character traits to be present in these books.

In the FAC and its exhibits, the plaintiff has put *BMR* and *Crave* under a microscope and compared their language, characters, and tropes to argue that plagiarism occurred. (FAC pp. 13-21, 35, 42-54 & Exs. 1-3.)<sup>11</sup> But since both authors are writing in the same YA Paranormal Romance genre, it would not surprise me if there were many areas of overlap both with these books and with other YA Paranormal Romance books. Also, colloquial language is very common in YA books. It makes them easy to read. These books are also filled with dialogue, so clichés and commonly used words and phrases often appear.

By limiting her analysis to just *BMR* and *Crave*, the plaintiff ignores that books in YA Paranormal Romance genre characteristically the same colloquial language, character archetypes, and tropes. I believe this is a product of authors reading widely in the genre and absorbing these commonalities, then providing the same elements of story that readers of YA Paranormal Romance love and expect when crafting their own stories. Note that most of the books discussed below *predate* *BMR*. Does that mean that the plaintiff herself copied from these books when she wrote *BMR*?

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<sup>11</sup> As noted above, I was not asked to compare *BMR* to *Crave* and analyze whether the items the plaintiff points to are in fact similarities. However, it appears that the plaintiff left out important context for the language she used in her comparisons and frequently used ellipses to omit potentially important content (and context). This alone makes the plaintiff's comparisons unreliable and misleading, in my opinion. This is not to say that using ellipses when quoting something is never appropriate, but omitting essential information that distorts the intention of the author is not. For this reason, I believe that reading the books themselves would be the only reliable way to determine if they are similar.

In my discussion below, I provide numerous examples to illustrate how much of what the plaintiff alleges is overlap specifically between *BMR* and *Crave* are actually very common touchpoints of story shared across the YA Paranormal Romance category. I believe that widening the lens with illustrative examples—which are not exhaustive—shows how unreliable and misleading the plaintiff’s one-to-one exercise really is.<sup>12</sup>

### A. Setting Tropes

One element the plaintiff points to as an alleged similarity is the books’ settings: that both are set in remote Alaska and in use of a high school or castle as a primary setting. But YA Paranormal Romance books are typically set in remote locations, as shown below. They are also often set in schools, since teens usually attend school (and specifically high school). And YA Paranormal Romance books are often set in magical or supernatural schools given the genre’s focus on that characteristic. As shown below, these schools are often hidden from the public in remote settings and have gothic style and architecture (castles or similar). At the same time, it is also common for YA Paranormal Romance books to be set in public high schools where students with magical ability must be hidden from the human students, such as *Twilight*, *Vampire Diaries* (and also *BMR*).

#### 1. Remote Locations

One of the alleged similarities the plaintiff points to is the idea that both *BMR* and *Crave* are set in the remote location of Alaska (I note that *BMR* takes place in Anchorage, which is Alaska’s largest city). This concept is familiar; in books that feature magical or supernatural schools, the schools are usually located in remote locations to keep their secrets safe from non-magical people and to allow the students to be free to explore their powers in a safe environment.

***Harry Potter***—Hogwarts is set in a remote location unknown to the general non-wizarding (muggle) population. It can only be reached from a magical train platform, platform “nine and three quarters.” P. 93 (Harry learning that to access the platform, “All you have to do is walk straight at the barrier between platforms nine and ten.”); p. 111 (“Perched atop a high mountain on the other side [of a large lake], its windows sparkling in the starry sky, was a vast castle with many turrets and towers.”).

***Twilight***—The vampires’ decision to live and attend public school in remote Forks, Washington, is significant to the story. The rainy weather allows them to leave their home on most days without sparkling in the sun. P.3 (“In the Olympic Peninsula of northwest Washington State, a small town named Forks exists under a near-constant cover of clouds. It rains on this inconsequential town more than any other place in the United States of America.”).

***Glass Houses***—Texas Prairie University is in Morganville, a small college town. P. 25 (Claire describing how remote the school is, explains it was “out in the middle of the prairie, in the middle of Texas, which was about as middle of nowhere as it was possible to get unless you wanted to go to Mongolia or something”).

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<sup>12</sup> Quotes included in the discussion below are included for reference and to illustrate substance rather than form.

***Vampire Academy***—St. Vladimir’s Academy is located in a remote, snowy mountain town in Montana. P. 12 (Rose characterizing it as “backwoods Montana”); p. 15 (Rose observing “Around all the campuses was space, space, and more space. We were in Montana, after all, miles away from any real city.”).

***Evernight***—Yet another remote school location, as Evernight Academy is described as built “in the 1700s” in “country [that] had been wilderness”; though “small towns now dotted the distant countryside, none of them were very close to Evernight; and despite the hillside views and the thick forests, nobody had ever built a house nearby”). P. 7.

***Shiver***—This book takes place in Mercy Falls, Minnesota, a remote, heavily wooded location.

## 2. Supernatural School Inhabitants

The plaintiff also alleges that the works are similar because they feature supernatural characters such as vampires, werewolves, and witches, who inhabit the schools the protagonists attend. But YA Paranormal Romance books by definition contain such characters and because these characters are school-aged, these books are often set at supernatural schools.

***Harry Potter***—At Hogwarts, students are wizards and witches with magical abilities, and the school is populated with werewolves, house elves, giants, and more. For example, there are ghosts in the portraits on the walls and some moving around freely. Some of the staff and teachers include Hagrid the giant, Professor Quirrell, Defense Against the Dark Arts teacher—who was said to have fought zombies, vampires, werewolves and a hag lurking in the surrounding forest; and Hagrid the giant who is the keeper of the magical animals on school grounds, including a forbidden dragon, a unicorn, and Fluffy the three-headed dog guarding the sorcerer’s stone.

***Glass Houses***—Claire’s new roommate tells her that the town of Morganville, including the college, is run by vampires. P. 33 (“‘How can you not know? . . . Morganville’s full of vampires.’ Claire laughed. Eve didn’t. She just kept staring. ‘Um...you’re kidding?’”).

***Marked***—House of Night is a supernatural boarding school for fledgling Vampyres coming of age.

***Blue Bloods***—Many of the students at Duchesne School are vampires and descendants of the Mayflower.

***Vampire Academy***—The students at St. Vlad’s are Moroi vampires and dhampirs, their half-Moroi/half-human guardians.

***Evernight***—The students are mostly vampires, with some human students recently admitted.

***Fallen***—Most of the students at the reform school Swords & Cross are fallen angels.

***Hex Hall*** by Rachel Hawkins (published in 2010) is an isolated reform school for wayward Prodigium—witches, faeries, and shapeshifters.



***Shadow and Bone***—at the Grand Palace, citizens identified to have power over “the small sciences” are trained to become Grisha, to use their magical talents.

***Ninth House*** by Leigh Bardugo (published in 2019) takes place at Yale University, but it features characters who can see and manipulate the supernatural hidden beneath the ivy halls—demons, ghosts, hellhounds, and more--and the Ninth House team assigned to regulate the use of power by the other 8 secret societies, like Skull and Bones.

***Legendborn*** by Tracy Deonn (published in 2020)—UNC Chapel Hill is a real university, but 16-year-old student Bree Matthews discovers there are demons and a secret society called Legendborns who are dedicated to stopping them.

### 3. Gothic Architecture/Castle Setting

The plaintiff additionally highlights the allegedly similar use of a gothic or castle setting in *BMR* and *Crave* (even though in *BMR*, the protagonist attends an ordinary public high school and the alleged castle-like chateau identified in the FAC is a separate location where the romantic lead and his family live (see FAC p. 17; FAC Ex. 1 p. 8). Castles and gothic architecture are also very common in YA Paranormal and fantasy books.

***Harry Potter*** was the origin for this trope, with its unforgettable Hogwarts School of Witchcraft and Wizardry. Hogwarts was depicted as a grand castle with grand staircases and hanging tapestries. P. 111 (“Perched atop a high mountain...was a vast castle with many turrets and towers.”); P. 128 (“The Gryffindor first years followed Percy... out of the Great Hall and up the marble staircase.... Percy led them through doorways hidden behind sliding panels and hanging tapestries.”).

***Glass Houses*** features an aging Gothic house protected by supernatural power where the main characters live and many action scenes take place. Claire describes her first impression of the house on p. 13 (“Seven sixteen Lot Street. *Gone with the Wind* meets *The Munsters*.”); p. 18 (“And she bounced away, up the walk to the gracious Southern Gothic front porch to unlock the door.”).

***Marked*** introduces the House of Night, a supernatural school for the training and care of fledgling vampires with Gothic architecture. P. 61 (“A round tower was attached to the front of the main building, furthering the illusion that the place was much more castle-like than school-like. I swear, a moat would have looked more like it belonged there than a sidewalk....”); p. 62 (“What is known today as the House of Night was built in the Neo-French-Norman style, with stones imported from Europe.”).

***Vampire Academy*** takes place at St. Vladimir’s Academy in the snowy mountains of Montana and is described as gothic, old world European. P. 14 (“It probably looked the same, sprawling and gothic . . . This school wasn’t as old as the ones back in Europe, but it had been built in the same style. The buildings boasted elaborate, almost churchlike architecture, with high peaks and stone carvings. Wrought iron gates enclosed small gardens and doorways. . .”).

*Evernight* Academy, which is a “huge, hulking, Gothic stone monstrosity,” was built in 1700s (p. 6) and “looked more like a castle than a boarding school” (p. 40).

The school in *Fallen*, Swords & Cross reform school, has significant gothic elements dating back to the Civil War. P. 34 (“Apparently the architects got in a huge standoff over how to retrofit the style of the old military academy buildings....This used to be a military academy, way back in the Civil War days.”); p. 124, (“It was a large Gothic structure with flying buttresses and fieldstone turrets that made it look more like a church than a place where one would go to break a sweat.”).

*A Discovery of Witches* takes place at Oxford University in the first section of the book, replete with Gothic architecture. When Diana is doing research in the Bodleian Library. P. 2 (“I walked quickly through the original, fifteenth-century part of the library, past the rows of Elizabethan reading desks . . . Between them, Gothic windows directed the reader’s attention up to the coffered ceilings...”); p. 22 (“Tonight the college’s spires and archways seemed especially Gothic, and I was eager to get inside.”).

*Shadow and Bone* takes place in many different locations. But one of the important sections of the book highlight Alina Starkov’s training to embrace and control her power at the Grand Palace, the Ravkan King’s winter home. The Grand Palace, which is “three stories” high, sits “[a]top a series of marble terraces and golden fountains” and has rows of windows “each ornamented extensively in what [is] suspected [as] real gold.” P. 85.

*Ninth House* takes place at Yale University and its surroundings. Darlington, her mentor, is showing Alex around the campus. P. 35 (“Then after the Civil War, the walls went up. Now most of the campus is built that way, a series of fortresses, walled and gated, a castle keep.”). Later, Alex is walking on campus and sees the gym. P. 52 (“Alex glanced up at the gray, Gothic cathedral of Payne Whitney. It didn’t look like a gym, but nothing here looked like what it was.”).

## B. Main Character Tropes

### 1. Death Of Parents/Surrogate Parents

The plaintiff appears to harp on the fact that the protagonists’ parents in *BMR* and *Crave* are deceased (even though only the *BMR* protagonist’s father is deceased, and Anna’s mother, who she lives with, is a big part of the story). Here again, this trope is quite common in the YA Paranormal Romance and similar genres. The death of the main character’s parent(s) is often a catalyst for the main character’s journey. As a result, the protagonists in the YA Paranormal Romance (and similar) genres often live with surrogate parents, such as aunts/uncles, just like Spiderman lived with his Uncle Ben and Aunt May back in the early 1960s. This trope is even common throughout all children’s and young adult literature, fairy tales, and even Disney movies. The canon is full of books and movies about orphans including *Cinderella*, *Frozen*, *Anne of Green Gables*, *Heidi*, *The Secret Garden*, *A Series of Unfortunate Events*, and *The Outsiders*.

*Harry Potter*—When Harry was a baby, his family was attacked and his parents were killed by Voldemort, the series villain, while trying to save baby Harry’s life. Harry was the only survivor of a Voldemort attack in history, leading Albus Dumbledore, Headmaster of Hogwarts and master

wizard, to hide infant Harry in the home of his remaining family—muggles Uncle Vernon and Aunt Petunia—for his safety. Harry grows up knowing nothing about his parents’ sacrifice or his magical heritage, until his 11<sup>th</sup> birthday when he receives his invitation to Hogwarts.

***Vampire Academy***—Lissa Dragomir’s parents and older brother are killed in a car accident, with Lissa and Rose, her guardian and best friend, both the only survivors of the crash. The death of her family changes the course of Lissa’s life, forcing her to assume her family’s role in royal court.

***City of Bones***—Clary Fray’s father was killed before she was born and now her mother has been attacked and disappeared. She is then taken in by Hodge Starkweather at the Institute for Shadowhunters.

***Evermore*** by Alyson Noel (published in 2009)—Ever Bloom survives the accident that killed her entire family, emerging with new psychic powers that allow her to see auras, hear people’s thoughts and know someone’s life story after touching them.

***A Discovery of Witches***—Diana Bishop’s parents were killed trying to protect Diana’s secret powers while keeping her hidden from the ruling council of witches, daemons and vampires, known as the Congregation. P. 7 (“This was enough to make me blame my parents’ death on the supernatural power they wielded and to search for a different way of life.”) After their death, Diana lives with her surrogate parents—Aunt Sarah (Bishop), a descendant of a prominent Salem witch, and her wife Emily.

***Shadow and Bone***—Alina Starkov was orphaned as a young girl when her parents were killed in a border war. P. 1 (“The boy and girl arrived within weeks of each other, two more orphans of the border wars, dirty-faced refugees plucked from the rubble of distant towns.”). Alina is sent to live on a Duke’s estate, which has been converted into an orphanage, where she meets Mal, her soulmate.

## 2. Main Character Moves/Is New In Town

The plaintiff highlights that the protagonists in *BMR* and *Crave* both moved to Alaska from San Diego (even though the 2013 Draft does not specifically identify San Diego and instead only briefly mentions that Anna and her family once lived in “California,” p. LF06917). But moving from one location (often city-like/familiar) to a new location (often remote and/or unfamiliar) is also very common in YA Paranormal Romance. As a result, the protagonists often are portrayed as the “new kid in town” and miss their former home (FAC p. 15, where the plaintiff mentions “negative” feelings about Alaska). It is also common for the death of a parent, or some other trauma, to serve as the reason why the main character must move.

***Twilight***—After Bella’s mother remarries, she decides to go live with her father in Forks, Washington to allow her mother to travel with her new husband for his job, and as a result she becomes the “new girl.” Pp. 3-4 (“I loved Phoenix. I loved the sun and the blistering heat. I loved the vigorous, sprawling city.”). Bella describes Forks, which is located in the “Olympic Peninsula of northwest Washington State” as a “small town...under a near-constant cover of cloud” and

“detested Forks” because it was here where she was “compelled to spend a month every summer until I was fourteen.” Pp. 3-4.

***Glass Houses***—Supersmart Claire Danvers graduates early from high school to escape the bullies, but her parents insist that she attend a less expensive college for the first two years, leading her to Texas Prairie University in Morganville, Texas, a few hundred miles from her unidentified hometown, where she is the new and youngest girl in the dorm (until she moves into the Glass House days later).

***Marked***—Zoey Redbird doesn’t move far in miles, but she has to leave everything and everyone she knows behind when she is Marked as a fledgling vampire and has to move to the House of Night. Her mentor, Neferet, is showing her around the school and trying to ease her fears. P. 55 (“And remember, everyone here has been where you are. This was new to all of us once. We know what it feels like—the fear of the Change—the shock of your life being turned into something foreign.”).

***Evernight***—Bianca and her parents moved from a small town to Riverton, where the Evernight Academy is located. Bianca doesn’t care for meeting strangers and prefers to stay in the small town she grew up in along with the people she’d known since she was a child. P. 5 (“Ever since my parents first suggested that we come to Evernight Academy...I’ve been against it. We’d lived in the same small town my whole life, and I’d attended the same school with the same people since I was five years old....There are people who enjoy meeting strangers...but I’d never been one of them.”).

***Fae fever***—After her sister is killed while studying abroad, MacKayla Lane moves to Dublin from small-town Ashford, Georgia, to catch her killer, a move that changes her entire understanding of herself and the world. P. 5 (“Shortly after I stepped off the plane from Ashford, Georgia, and planted my well-pedicured foot on Ireland’s shore, I probably would have died if I hadn’t stumbled into a bookstore owned by Jericho Barrons.”).

***Beautiful Creatures***—Lena has just moved to Gatlin, South Carolina to live with her Uncle Macon so he can prepare her for the Claiming that will happen on her seventeenth birthday. Lena and Ethan are just getting to know each other and he’s curious why she’s come to their small town. P. 48 (““So why did you move in with your uncle? Usually people are trying to get out of Gatlin; no one really moves here.’ ... ‘I’ve lived all over. New Orleans, Savannah, the Florida Keys, Virginia for a few months. I even lived in Barbados for a while.””).

***A Discovery of Witches***—Diana Bishop moved to England to study at Oxford University’s famed Bodleian Library in order to get some distance from the tight-knit witch community in her Madison community near Yale University and to study seventeenth-century chemistry. P. 6 (“I occupied myself with something more rational: searching for the list of alchemical texts I’d generated before leaving New Haven.... Since arriving a few weeks ago, I had been working through the list methodically.”).

***Ninth House***—freshman Alex Stern has gone from a marginal life on the fringes of society to privileged Yale University faster than her brain can process. P. 11 (“Len and Hallie were her old life. They didn’t belong at Yale. Then again, neither did Alex.”).

### 3. Main Character Thinks He Or She Is Ordinary/Human

The plaintiff makes much of the idea that both Anna in *BMR* and Grace in *Crave* initially believe they are human (even though this is not fully accurate, since Anna is aware of her witchcraft from the very beginning of both the *BMR* 2011 and 2013 Drafts). Still, a supernatural protagonist who initially believes he/she is human is a hallmark of YA Paranormal Romance literature. And it is also very common for YA Paranormal Romance protagonists to believe that they are plain, ordinary, or unremarkable.

***Harry Potter***—Harry grew up as an unwanted orphan, bullied by his Uncle Vernon and Aunt Petunia. He felt the opposite of special. P. 57 (“Hagrid looked at Harry with warmth and respect blazing in his eyes, but Harry...felt quite sure there had been a horrible mistake. A wizard? Him? How could he possibly be? He’d spent his life being clouted by Dudley, and bullied by Aunt Petunia and Uncle Vernon; if he was really a wizard, why hadn’t they been turned into warty toads every time they’d tried to lock him in his cupboard?”). On his 11<sup>th</sup> birthday, his invitation to Hogwarts arrives and Harry learns he is a wizard.

***Twilight***—Bella always felt ordinary until she moved to Forks, Washington where boys were suddenly taking interest in her. P. 54 (“Driving to school, I distracted myself from my fear of falling and my unwanted speculations about Edward Cullen by thinking about...the obvious difference in how teenage boys responded to me here. I was sure I looked exactly the same as I had in Phoenix.... I wasn’t sure I didn’t prefer being ignored.”); p. 79 (“Of course he wasn’t interested in me ... I wasn’t interesting.”).

***Blue Bloods***—For most of the book, Schuyler feels very ordinary and extremely human and is shocked and confused by the new attention from school heartthrob Jack Force. Schuyler thinks that this new attention “ha[s] to be some kind of joke” and “[Jack] was playing with her, scaring her, most likely.” P. 58. Later, when Schuyler first hears that she and many of the students at Duchesne are vampires, she rejects that information immediately. P. 144 (“Vampires? Were they out of their minds?... this was truly laughable--they were undead?”).

***Glass Houses***—Claire describes herself as “[s]mart and small and average-looking.” P. 18.

***Marked***—Until the vampyre Tracker shows up at her school locker, Zoey’s day was the usual high school drama. P. 3 (“He was a vampyre, and worse. He was a Tracker. Well, crap! He was standing by my locker.... ‘Zoey Montgomery! Night has chosen thee; thy death will be thy birth. Night calls to thee; hearken to Her sweet voice. Your destiny awaits you at the House of Night!’”).

***City of Bones***—Clary feels very ordinary. P. 24 (“She knew she wasn’t beautiful like her mother was.... Not pretty or beautiful, but cute. Throw in carrot hair and a face full of freckles, and she was a Raggedy Ann to her mother’s Barbie doll.”). She also believes that she is human. P. 42 (“I’m an ordinary human being, just like you said.”).

**Evernight**—Bianca feels insecure when comparing her style and dress to her classmates. P. 44 (“Of course all the Evernight types had sent their uniforms to a tailor... so that they were chic and flattering instead of boxy and asexual. Like mine.”). Bianca doesn’t realize she’s a vampire until she suddenly feels compelled to bite her love interest, Lucas, and drink his blood. P. 139 (“I bit into Lucas’s throat...I swallowed, and the feel of Lucas’s blood in my throat was sweeter than anything else I’d ever known.”); p. 143 (“All my life, my parents had told me that someday blood would be more than blood...I had never been able to comprehend what they meant. Now I understood. In some ways, it really was just like my first kiss with Lucas....”).

**Fae fever**—When the Fever series began, MacKayla Lane believed she was human and as the series progressed, MacKayla’s understanding of the world, and of herself transformed. P. 3 (“I used to fill my days with sunning and shopping.... I was still living at home, safe in my sheltered world....Then my sister, Alina, was brutally murdered while studying abroad in Dublin, and my world changed overnight.”).

**Shiver**—Grace Brisbane has two close friends, including Olivia. Grace describes herself as “the embodiment of winter” with “dark blonde hair and serious brown eyes, a summer girl faded by cold.” as compared to Olivia, who “seemed to belong in the summer, with her olive skin bronzed and green eyes saturated with color.” P. 34.

**A Discovery of Witches**—Diana Bishop initially thinks she’s a subpar witch and later discovers that this is only because her parents spellbound her abilities to hide Diana’s power from those out to kill her or use her for their own purposes. Pp. 7-8 (“When I turned thirteen, my aunt decided it was time for me to channel some of my power into learning the basics of witchcraft.... But I was unable to master even the simplest spells.... It made my aunt anxious to have an untrained witch in the house.”).

**Shadow and Bone**—Adults describe Alina as “an ugly little thing” and believe that “[n]o child should look like that.” P. 1-2. Later, Alina is shocked to hear that people think she had a remarkable power. P. 45 (“Had everyone gone mad? Did they actually think I had chased off the volcra?”).

#### 4. Main Character Experiences Anxiety, Depression, Or Panic Attacks

The plaintiff also claims that the protagonists in *BMR* and *Crave* both “suffer anxiety and panic” from loss (FAC p. 15). Of course, experiencing anxiety and panic is a common human reaction and omnipresent in books from a wide array of genres, especially whenever loss of a loved one is a plot element. But this is also common in books for the YA audience, and specifically in YA Paranormal Romance books.

**New Moon** by Stephenie Meyer (published in 2006)—When Edward breaks up with Bella to protect her from danger, she goes into such a deep depression that many pages of the book are left blank to reflect the depths of her despair.

**Vampire Academy**—Lissa Dragomir’s whole life has changed after the death of her family, with the royal responsibilities she always left to her parents and brother now falling on her. Through



their bond, Rose has been watching Lissa deal with the grief and repercussions for months. P. 56 (“I worried about Lissa and wondered if staying here was the right thing to do. I felt nothing alarming through the bond, but her emotions spiked all over the place. Confusion. Nostalgia, Fear. Anticipation. Strong and powerful, they flooded into me.”). Rose also worried about Lissa’s coping method, which Lissa used in hopes of erasing her pain. P. 162 (“I didn’t get her cutting at all. She’d done it sporadically, ever since the accident.... She felt so much emotionally, she would say, that a physical outlet—physical pain—was the only way to make the internal pain go away.”).

***A Discovery of Witches***—Diana emotionally confides in Matthew and tells him that her “parents were killed when I was seven.... Even though it happened so long ago, they’re all the witches want to talk about these days.... Shivering as the panic escalated, I felt a scream rise up in my throat...The scream turned into a sob.”). P. 195.

Beyond Paranormal Romance, depression and panic attacks also follow loss in many other genres.

***The Perks of Being a Wallflower*** by Stephen Chbosky (published in 1999)—This coming-of-age story shows Charlie dealing with the death of a close friend, which causes a deep depression and mental illness struggle.

***Looking for Alaska*** by John Green (published in 2005)—following the suicide of Alaska, the girl he deeply loves, Pudge experiences deep depression and anxiety.

In ***The Serpent King*** by Jeff Zentner (published in 2016) Dill is considering suicide, following the murder of his best friend. P. 295 (“He wondered why it seemed like God had abandoned him. There was no answer to that question. Would God notice enough to be offended by what he was thinking about? He didn’t care.”).

***Goodbye Days*** by Jeff Zentner (published in 2017)—Carver battles panic attacks after sending a text that causes an accident that kills his 3 best friends. P. 36 (“*Air. I need air. I need air. I need. I try to stand. The room pitches and tosses, heaving. I’m walking on a sheet of Jell-O. I try to stand. I lose my balance and fall backward, over my chair, thudding on the hardwood floor.*”).

## 5. Main Character Loves Books/Is Good Student

The plaintiff alleges that in both works, the heroine “is smart, loves books, takes advanced classes” (FAC p. 15). Characteristics like these are not unique, and are common in books of all genres, including YA Paranormal Romance because it encourages book-loving readers to connect with the book’s characters.

***Twilight***—Bella has always loved school and reading. When she lived in Phoenix, Bella had been in many advanced and AP courses, but her new teachers in Forks are not yet familiar with her background. P. 47 (““Were you in an advanced placement program in Phoenix?” “Yes.””).

***Glass Houses***—Claire had been the target of vicious bullies in her high school because she stood out for being highly intelligent and younger than her classmates. P. 18 (“The problem was that Claire really loved school. Loved books, and reading, and learning things...”).

***City of Bones***—when Clary sees the library at the Institute, she is amazed. P. 66 (“A book lover, I see,” [Hodge says to Jace]).

***Evernight***—As the child of two book-loving teachers, Bianca had always loved school and was an avid reader and when she moves from her parents’ apartment to her dorm room, Bianca brings with her “*Jane Eyre*, *Wuthering Heights*, [her] astronomy texts.” P. 36. Bianca always preferred the library to people and vowed to meet her teacher’s expectations. P. 51 (“Here, the professors were imposing and powerful, and it was unthinkable not to meet their high expectations. A lifetime spent hiding from the world in the library had prepared me for the work, and I put more time into my studies than ever.”).

***Fallen***—Although she has just been sent to a reform school, Luce wants to let her new classmates and fellow “inmates” know that she has a superior intellect and boasts that she “spent three years on a full academic scholarship at the best college-prep school in the country.” P. 327 (“I know Latin and French, and in middle school, I won the science fair three years in a row.... I also do the Sunday crossword puzzle, sometimes in under an hour.”)

***Shiver***—Sam is a book lover, even working at a bookstore during the summers when he is in human form. Throughout the book he tries to win over the more fact-loving Grace with his love of poetry. Pp. 176-177 (“‘What are you reading?’ Grace asked, after a long space of silence. I was fairly certain that pragmatic Grace would not have heard of Rilke. ‘Poetry.’ Grace signed... ‘I don’t get poetry....’ ... ‘You have to listen to the pattern of the words, not just what they’re saying. Like a song.’”).

***A Discovery of Witches***—Diana Bishop is a scholar studying at Oxford University. She describes herself as “precocious” and having a “prodigious, photographic memory—which made it easy for [her] to recall the layouts of textbooks and spit out the required information on tests.... I’d skipped my final years of high school and started college at sixteen.” P. 8

#### 6. Main Character Is The Chosen One (Special Power Or Prophecy)

The notion that the protagonists in *BMR* and *Crave* are both portrayed as particularly special or the “Chosen One” who can “restore balance” (as stated in several bullets in the FAC at p. 14) is unremarkable considering how pervasive this theme is in YA Paranormal Romance literature (and also YA Romance, Dystopian, and “Romantasy” novels and series). Often in these books, the main character discovers that he or she has some special power or fulfills a prophecy that makes them particularly important or the “Chosen One.” One book published before *BMR* even includes a character called “Nyx” who is powerfully connected with the heroine, showing that the plaintiff’s seemingly specific idea of her own main character being “the Nyx” (e.g. FAC p. 14) is not even unique.

***Harry Potter***—Harry is squarely portrayed throughout this series as the “chosen one” and the only one who can vanquish Lord Voldemort. Indeed, the first chapter of the first Harry Potter book is called “The Boy Who Lived,” establishing Harry’s special status from the outset.



**Blue Bloods**—Schuyler discovers that she is the one who “will bring us to the salvation we seek.” P. 293.

**Marked**—Zoey receives a visitation from the Goddess Nyx who reveals their unique connection. P. 40 (“I have Marked you as my own. You will be my first true *U-we-tsi a-ge-hu-tsa v-hna-i Sv-no-yi* ... Daughter of Night ... in this age. You are special.”).

**Fae fever**—MacKayla is a sidhe-seer and immune to Fae magic. She also can attract and vanquish Objects of Power, making her the One being uniquely qualified to save the world when the Walls between Faerie and Earth fall, and dark magic overtakes humanity. Because MacKayla can “see the Fae” and “sense Fae relics and Hallows,” she can also “feel the *Sinsar Dubh* out there, a dark, pulsing heart of pure evil,” which means that everybody wants her. P. 7.

**Fallen**—Throughout the book, many characters tell Luce that she is the key to the world’s survival, but that they can’t reveal the reason why this is so, or it will kill her. Luce presses for answers about what is happening but the characters refuse to “unload everything on [her] at once” because it is “too dangerous.” Pp. 426-427.

**Shiver**—Grace’s deep knowledge of science, combined with her remarkable survival after being bitten by a werewolf but not turned by the attack, gave her the unique ability to discover a cure to save the humanity of other werewolf-bite victims. Grace’s human survival is a miracle and eventually leads to a cure. P. 97 (“The doctor told my dad the heat in the car should’ve killed me, so I’m a miracle girl.”).

**Beautiful Creatures**—Because her family is cursed, Lena believes that she has no free will about whether she will be drawn to the Light or Dark side. But as the most powerful Natural creature in their Caster family, she discovers she can “Claim” herself on her sixteenth birthday, rather than being Claimed by one side of the other. But whichever side she chooses, the other side of her family will be destroyed. On the night of her sixteenth birthday and Claiming, Lena finds a way to avoid choosing either side. P. 547 (“You still don’t know what you’re capable of, do you?” “Amma, what are you talking about? ... Am I—am I Dark?” “Not yet, not now.” “Am I Light?” “No. Can’t say you’re that, either.”). Lena’s Dark mother reveals Lena’s unique ability to choose whether to she wants to be Claimed by the Light or the Dark. P. 521 (““You have a choice.... A choice afforded to you because you are my daughter, the second Natural born into the Duchannes family.... The First will be Black/But the Second may choose to turn back.””).

**Hearts at Stake**—Solange Drake knows that the circumstances of her birth make her unique. P. 9 (“The pheromones don’t work on other vampires, except, of course, for mine, which are rapidly becoming a beacon for all of vampire kind. I’m special, and not in a good way, if you ask me. Vampires are rarely born, except in certain ancient families ... But I’m the only girl in about nine hundred years. and the closer I get to my sixteenth birthday, to the more I attract the others.”).

**A Discovery of Witches**—Ashmole 782 is an enchanted alchemist’s manuscript that has been missing for over 100 years. When the book magically appears for Diana in Oxford’s Bodleian Library, she alone holds clues to the origins of magical creatures like vampires, daemons and witches like Diana. The book seems to want Diana to find its still-missing pages, and the secrets

they hold will upend Diana’s life and the power structure of their world. P. 126 (““What I am most intrigued by, at present, is the question of how an ignorant witch with no training of any sort managed to break a spell that has defied the efforts of those far more adept than you will ever be.””).

***Shadow and Bone***—Alina Starkov discovers her true power as a Sun Summoner on a trip through the cursed Fold. P. 34 (“I closed my eyes as a sudden, piercing flood of light exploded across my vision. It seemed to fill my head, blinding me, drowning me.”). Alina is considered the “chosen one.” P. 61 (“If you’re truly a Sun Summoner, then your power could be the key to opening up the Fold—or maybe even destroying it.”).

#### **Examples of other popular books that include this trope:**

- ***The Percy Jackson*** series by Rick Riordan—As the son of Poseidon, Percy is uniquely qualified to lead a quest to reach the Underworld and prevent a war between the gods.
- ***The Mortal Instruments*** series by Cassandra Clare—Clary, who initially believes she is human because her mother kept her abilities a secret, discovers she is the daughter of a rogue Shadowhunter, giving her the ability to create runes, which are the marks of Shadowhunters.
- ***The Hunger Games*** series by Suzanne Collins—Katniss becomes the “Mockingjay,” the symbol of rebellion and leads a crusade to take down the Capitol leadership.

#### **7. Main Character Is Attacked By A Supernatural Creature(s)**

The plaintiff has highlighted scenes where the protagonists in *BMR* and *Crave* are attacked by other supernatural characters. FAC p. 19. This is also very common in YA Paranormal Romance books, where supernatural creatures (such as werewolves and vampires) often use their powers violently.

***Blue Bloods***—Schuyler is on her way home from the Carlyle Hotel and is attacked by a Silver Blood, a supernatural creature. P. 270 (“At the corner of Ninety-fifth Street, she turned from the well-lit avenue to a dark street...Within seconds, it had her in her grasp....She was going to die.”).

***Vampire Academy***—Rose and Lissa are both attacked by Strigoi vampires.

***City of Bones***—Now that her magical sense is coming back to her, Clary is a threat and is attacked by many supernatural creatures, starting with a Ravener in her own apartment. P. 51 (“‘Girl,’ it hissed. ‘Flesh. Blood. To eat, oh, to eat.’”).

***Fae fever***—Mac is attacked by four Unseelie Princes. P. 309 (“These were the Unseelie Princes....They closed in on me, a circle of three, morphing from one shape to the next . . .”).

***Shiver***—Sam was a new werewolf at the time when his pack attacked Grace for their own survival. P. 3 (“They snatched the girl off her tire swing in the backyard and dragged her into the woods . .

. It had been the longest, coldest winter of my life.... And the hunger--hunger that burned and gnawed--an insatiable master.... ”). Sam was also attacked as a child, by Beck, the werewolf he later came to look up to. P. 289 (“Two wolves attacked me while I was getting onto the school bus. One of them held me down and the other one bit me.... retelling the story to Grace shoved the unavoidable truth right at me: My attack had been no accident. I’d been chosen, hunted down, and dragged into the street to be infected ....”).

***Beautiful Creatures***—Lena had been told by her whole family that her mother was dead, which isn’t exactly true. But after she was almost killed in an attack, Lena can tell that her Uncle Macon is keeping secrets about that night. Then, Lena realizes it was her mother who tried to kill her and confronts her uncle. P. 294 (“My mother is Serafine? That *thing* that tried to kill me on Halloween? How could you keep this from me?”); p. 295 (“My mother’s alive?” “I’m afraid it’s a bit more complicated than that.” “You mean, the part about how my own mother wants to kill me? When were you going to tell me, Uncle Macon? When I was already Claimed?”).

### C. Love Interest Tropes

#### 1. Romantic Lead Is Exceedingly Attractive

The plaintiff claims that *BMR* and *Crave* are similar because they both feature strikingly attractive male romantic leads, including the traits of being “tall, slim, muscled,” confident, “dominant,” and “dangerous” (e.g. FAC pp. 46-47; FAC Ex. 1 p. 11). These generic character traits are extremely common in YA Paranormal Romance and beyond. Indeed, “tall, dark, and handsome” is one of the oldest and most common descriptors for male leads in all of popular culture.

***Twilight***—Although pale-skinned rather than “dark,” Edward in *Twilight* no doubt fits the classic archetype of an attractive male romantic lead. Bella observes that all of the Cullens are strikingly beautiful. P. 19 (“[T]heir faces, so different, so similar, were all devastatingly, inhumanly beautiful. They were faces you never expected to see except perhaps on the airbrushed pages of a fashion magazine. Or painted by an old master as the face of an angel.”) Edward’s extreme good looks are often referenced. P. 43 (“he looked like he’d just finished shooting a commercial for hair gel. His dazzling face was friendly, open, a slight smile on his flawless lips.”); p. 87 (“It was hard to believe that someone so beautiful could be real.”).

***City of Bones***—Jace is gorgeous. P. 309 (“He looked like a fair-haired angel from a Rembrandt painting, —except for the devilish mouth.”).

***Vampire Academy***—Rose’s romantic lead, Dimitri, is strikingly attractive. P. 9 (“He was older than us, maybe mid-twenties...probably six-six or six-seven. And under different circumstances . . . I would have thought he was hot. Shoulder-length brown hair, tied back in a short ponytail. Dark brown eyes . . . But his hotness was irrelevant now. He was only an obstacle.”). Lissa’s romantic lead, Christian, is similarly handsome. P. 58 (“The figure stepped forward, and in the poor lighting, familiar features materialized. Messy black hair. Pale blue eyes. A perpetually sardonic smirk.”).

***Evernight***—Lucas Ross is a new student at Evernight Academy, just like Bianca. They literally run into each other on the night she is trying to run away from the school. His appearance is

described on p. 11: “Although he was tall and broad shouldered, he was young, maybe about my age. He had straight, golden-brown hair that fell across his forehead, mussed from the chase. His jaw was strong and angular and he had a solid, muscular body and amazingly dark green eyes.” Similarly on p. 29: “Lucas wasn’t a snob, but he had the same kind of chiseled good looks, the same toned body, and the same, well, perfection. He wouldn’t stand out much in this beautiful crowd; he would be a natural part of it. Unlike me.”

**Faefever**—Ever since MacKayla arrived in Dublin, Jericho Barrons has guided her through the supernatural landscape and given her the training she needs to stay alive. There is an undeniable connection between them. P. 37 (“Jericho Barrons was a man it wouldn’t be hard to romanticize...Barrons was powerful, broodingly good-looking, insanely wealthy, frighteningly intelligent, and had exquisite taste, not to mention a hard body that emitted some kind of constant low-level charge. Bottom line: He’s the stuff of heroes. And psychotic killers. If there’s one thing I’ve learned in Dublin, it’s that there’s a very fine line between the two.”).

**Fallen**—Daniel Grigori is one of two gorgeous guys Luce meets at Sword & Cross, the reform school she is forced to attend, and she is taken by his looks when she first sees him. P. 38 (“She took in his deep golden hair and matching tan. His high cheekbones, the dark sunglasses that covered his eyes, the soft shape of his lips....Luce had always had a weakness for the sublimely gorgeous. Like this guy.”). Luce asks what he is like and her new friend Arriane notes that he is mysterious. P. 39 (“No one really knows. He holds pretty tight to his mystery man persona. Could just be your typical reform school asshole.”). Cam, an irresistible bad boy, is one of the first people Luce meets, at orientation. P. 12 (“He was tall and thin, with a DJ bag slung over his shoulder, shaggy black hair, and large, deep-set green eyes. His lips were full and a natural rose color most girls would kill for ... He gazed at her, standing as still as a sculpture, which made Luce feel rooted to her spot too. She sucked in her breath. Those eyes were intense, and alluring, and, well, a little bit disarming.”).

**Shiver**—Grace quickly notices the looks of the male romantic lead, Sam Roth (a werewolf). P. 64 (“If he’d gone to my school, he probably would’ve been dismissed as an emo kid or maybe a long-lost member of the Beatles. He had that sort of mop-top black hair and interestingly shaped nose that a girl could never get away with.”). Her friend Rachel quickly points out that he is attractive. P. 163 (“The Boy is supercute. What’s he, homeschooled?”).

**A Discovery of Witches**—When Diana first meets vampire Matthew Clairmont, she describes his handsome looks in detail. P. 19 (“This one was tall—well over six feet even accounting for the problems of perspective associated with looking down on him from the gallery. And he definitely was not slight. Broad shoulders narrowed into slender hips, which flowed into lean, muscular legs ... His face was indeed striking—all distinct planes and surfaces, with high-angled cheekbones meeting brows that shielded and shadowed his eyes.... But the most unnerving thing about him was not his physical perfection. It was his feral combination of strength, agility, and keen intelligence that was palpable across the room. In his black trousers and soft gray sweater, with a shock of black hair swept back from his forehead and cropped close to the nape of his neck, he looked like a panther that could strike at any moment but was in no rush to do so.”).

## 2. Tropes That Flow Naturally From Attraction And Love For A Romantic Lead

The plaintiff identifies numerous alleged similarities in the relationships between the heroines and romantic leads of *BMR* and *Crave*, which are actually common tropes that flow naturally from the general idea of a female protagonist having strong feelings for an attractive male romantic lead. These include the protagonist feeling nervous or excited around him (FAC p. 17; FAC Ex. 1 p. 15); there being an instant or powerful connection, or “bond” between the two (FAC p. 17-18); the protagonist being concerned for him or trying to save him (FAC p. 20); the two professing their love (same); and an eventual momentous or “epic” kiss (FAC pp. 18, 21). These and related tropes are generic ideas and plot points in YA Paranormal Romance literature and beyond. Even when these books don’t portray an instant love connection (and instead portray initial aversion), an eventual attraction and love typically emerges. All of these are common ways to portray love, initial interaction, and relationship building between protagonists and their love interests.

***Twilight***—Originally Edward shows nothing but disdain and hostility towards Bella, who he eventually falls in love with. P. 23 (“As I passed, he [Edward] suddenly went rigid in his seat. He stared at me again, meeting my eyes with the strangest expression on his face—it was hostile, furious.”) But the two eventually become mated and once Edward gets his craving for Bella’s blood under control, he can’t bear to be apart from her ever, even though he believes that he is a danger to her. P. 365 (“‘The way I can’t seem to keep from putting you in danger. My very existence puts you at risk. Sometimes I truly hate myself. I should be stronger, I should be able to—’ I place my hand over his mouth. ‘Don’t.’ He took my hand, moving it from his lips, but holding it to his face. ‘I love you,’ he said.”).

***Vampire Academy***—Rose and Dimitri meet when he tracks them down and forces Lissa and Rose onto a plane to return them to Vampire Academy against their will. Rose initially hates Dimitri but has to admit that he is smart. P. 12 (“My hatred notwithstanding. I had to admit Dimitri Belivwhatever was pretty smart.”). During the flight, Rose explains to Dimitri that even though it was dangerous, she had to protect Lissa because she is her guardian. P. 14 (“Finally, he said, ‘Were you really going to attack all of us?’ I didn’t answer. ‘Doing that . . . protecting her like that—it was very brave.’ He paused. ‘Stupid, but still brave. Why did you even try it?’ I glanced back over at him, brushing my hair out of my face so I could look him levelly in the eye. ‘Because I’m her guardian.’”). Lissa and Christian also don’t get along during their initial meeting where they have a sarcastic and slightly harsh exchange. P. 59 (“‘What are you doing here?’ she asked. ‘Taking in the sights, of course. . . What about you?’ he taunted. ‘Why are you up here? Don’t you have parties to go to or lives to destroy?’”).

***Evernight***—Bianca, who meets Lucas as she’s trying to run away from school and he is arriving, feels a connection to him. P. 18 (“[I felt] as though I’d always known Lucas, as if somehow I’d been waiting years for him to arrive.”). After Bianca lost control during a kiss and accidentally bit Lucas, she felt an unbreakable bond with him. P. 157 (“Biting a human wasn’t as simple as taking a sip from a glass. When I drank Lucas’s blood, he became a part of me—and I became a part of him. We were bound now, in ways I couldn’t control and Lucas could never understand.”).

***Faefever***—Barrons took in MacKayla and taught her how to survive, even if he wasn’t so nice about it. P. 5 (“When I had no place to turn, Barrons took me in . . . and helped me survive. He



didn't do it nicely, but I no longer care how I survive, as long as I do."). After she got to know Barrons and was less intimidated by him, MacKayla couldn't deny how much she was drawn to him. P. 37 ("Barrons was powerful, broodingly good-looking, insanely wealthy, frighteningly intelligent, and had exquisite taste, not to mention a hard body that emitted some kind of constant low-level charge.").

**Fallen**—When Luce sees Daniel during her tour of the school she imagines the two of them together, but shakes this vision off as crazy. P. 38 ("lean[ing] up against the building with his arms crossed, [she saw a] flashing image of herself folded into those arms[.]"). Luce is initially intrigued by Daniel but after he flips her off, she is immediately put off. P. 40 ("When Daniel's eyes held hers, her breath caught in her throat. She recognized him from somewhere. . . . but then he raised his hand in the air. And flipped her off . . . Her momentary delirium over Daniel had vanished, and now the only thing she wanted to know was: What was that guy's problem?"). She notes that there is something different about Cam, who is described as a "rocker guy," which is a common archetype for the "bad boy" character. P. 44 ("She didn't usually get involved with rocker guys—but then again, none of them had ever pulled the desk next to her even closer, plopped down beside her, and stared at her with eyes quite so green."). Eventually Cam admits his feelings. P. 441 ("I-I can't live without you, Luce. I love you.").

**Beautiful Creatures**—Ethan and Lena see each other for the first time. P. 33 ("The new girl looked up and caught me watching her. I looked away, but it was too late. I tried not to smile, but I was embarrassed, and that only made me smile more."). His infatuation with her only grows and when they kiss, it is electric. P. 192 ("I leaned down and kissed her mouth.... This time, not warmth, but electricity, shot from my mouth to my toes.... She kissed me, her lips smiling beneath mine, and I knew she had been waiting for me, maybe just as long as I had been waiting for her.").

**A Discovery of Witches**—Diana and Matthew are initially at odds during their search for a missing ancient book. P. 42 ("What do you know about Ashmole 782?" I ask quietly. 'Less than you do,' said Clairemont, his eyes narrowing to slits."). But Matthew later falls in love with Diana. And even though the different creatures (witches, daemons and vampires) are not allowed to be together, Diana realizes how strong her feelings are for Matthew. P. 283 ("Why do vampires have such a strange attitude toward time? . . . witches don't have centuries to fall in love. We do it quickly. . . . The Congregation will try to stop me, but they won't tell me who to love.").

### 3. Romantic Lead Is A Powerful Supernatural Being

The idea of a romantic lead in a YA Paranormal Romance book being a powerful and/or dangerous supernatural creature (such as a vampire or werewolf) is also not unique. Instead, this is a hallmark of the YA Paranormal Romance genre.

The following is a non-exhaustive list of books where the romantic lead is a powerful vampire (character name given for books with dual love stories or a love triangle for clarification): *The Vampire Diaries*, *Twilight* (Edward), *Blue Bloods*, *Marked*, *Vampire Academy* (Christian), *Hearts at Stake* (Nicholas), and *A Discovery of Witches*.



The romantic lead in *BMR* is a werewolf, and this trope also has been used in the genre, including in *Twilight* (Jacob), *Shiver* (Sam), the Sookie Stackhouse series beginning with Book 3, *Club Dead* by Charlaine Harris (published in 2003) (Alcide), *The Wolf* by J R Ward (published in 2021) (Lucan), and *Bad Moon Rising* (Fang).

Other books have romantic leads with other supernatural backgrounds like angels (*Fallen*), Shadowhunters (*City of Bones*), and Immortal Beasts (*Faefever*).

#### 4. Romantic Lead Has Dark Secrets

Given that YA Paranormal Romance romantic leads often are powerful creatures such as vampires or werewolves, it's unsurprising that these characters often also bear dark secrets. This alleged similarity (e.g. FAC pp. 3-4) is just yet another common trope.

***Twilight***—Edward's first secret is that he's a vampire. He has been lonely for 100 years, until he met Bella. His second secret is that Bella's scent and her blood are irresistible to him.

***Evernight***—Lucas's secret is that he is a vampire hunter from Black Cross, and he is using the strength he gained from Bianca's bite to fight vampires.

***Faefever***—Jericho Barrons is a Beast and the leader of the Nine—immortal beings that help maintain the balance between the Dark and Light in Dublin, and help protect the whole world once the Walls fall down. But his deepest secret is that he is hiding his son, who is also immortal, who was brutally tortured in the distant past and became a permanent, psychotic version of the beast. Barrons keeps him caged below his garage while he searches for the magical solution to either free his son of this madness or permanently end his life to stop his suffering.

***Fallen***—Both Cam and Daniel are hiding the fact that they are fallen angels from Luce. Daniel is also hiding the fact that he and Luce have been together before. Every 17 years, she shows up in his life again, but dies when she discovers the truth about Daniel's identity, breaking his heart. But since her parents didn't baptize Luce in this incarnation, when she dies this time, her soul will be up for grabs between God and Lucifer.

***Shiver***—Sam has been hiding the fact that this year will be his last in human form. Once the weather gets too cold, he will shift back into his werewolf form for the final time and he and Grace can never be together.

***Hearts at Stake***—Kieran Black is hiding the fact that he is a vampire hunter who belongs to the Helios Ra and is determined to kill the Drakes, because he falsely believes they killed his father.

#### 5. Romantic Lead Saves Main Character's Life (Or Vice Versa)

Given that YA Paranormal Romance books are often filled with action, danger, and overcoming evil and adversity, the need for a protagonist or her romantic lead to rescue the other is also quite common (see FAC pp. 20-21). A "damsel in distress" being rescued by the Hero has been with us

for centuries, familiar from fairy tales like Sleeping Beauty and Snow White. And a Heroine saving the romantic lead is “a tale as old as time,” going back to Beauty and the Beast.

***Twilight***—Bella is almost crushed by a van but is rescued by Edward. P. 55-56 (“Edward Cullen was standing four cars down from me, staring at me in horror.... the dark blue van that was skidding, tires locked and squealing against the brakes, spinning wildly across the ice of the parking lot.... Two long, white hands shot out protectively in front of me, and the van shuddered to a stop a foot from my face, the large hands fitting providentially into a deep dent in the side of the van’s body.... I could hear Edward Cullen’s low, frantic voice in my ear. ‘Bella? Are you all right?’”). And Bella goes to great lengths to sacrifice her own life to save Edward’s when James the Tracker holds her mother hostage to lure her to Phoenix. P. 431 (“I had to accept that I wouldn’t see Edward again, not even one last glimpse of his face to carry with me to the mirror room.”).

***Blue Bloods***—When Schuyler is attacked by a Silver Blood, Jack comes to try to save her. But it takes the two of them together to beat this formidable foe. P. 271 (“Jack Force was trapped in a power struggle with the fell creature, locked in a tremendous fight.... He matched the Silver Blood blow for blow, but at last, the Silver Blood threw him off, slamming Jack’s body against the concrete.... She looked up and the monster lunged for her throat. She held it back with a powerful command: ‘*Aperio Oris!*’ Reveal yourself!’ ... The sacred words that she had learned, the monster had shown them his real face. It was a face that Jack would never forget. The beast howled in dismay, screeching a wretched, terrible scream, then disappeared into the night.”).

***City of Bones***—Jace saves Clary’s life many times, including from a Ravener, and from a giant man who broke into Clary’s brownstone and attacked them with a broad-bladed axe. P. 90 (“Jace had the seraph blade in his hand. He raised it, calling out: ‘*Sansaanvi!*’”). And Clary saves Jace during a battle with vampires and werewolves. P.284 (“Clary was more surprised than anyone else, she suspected, when the dagger flew, wobbly but true, and sank into the werewolf’s side.”).

***Vampire Academy***—When Rose goes to free Lissa after she was kidnapped, she is attacked by a Strigoi and is losing the battle but is rescued by Dimitri. P. 322 (“And then, suddenly, he was there, charging down the hallway like Death in a cowboy duster.”).

***Beautiful Creatures***—On Halloween, Ethan can hear Lena calling to him in agony. He runs to her uncle’s house and finds her encircled by her Caster family, but none can save her from her pain. P. 267 (“I pushed against it with everything I had in me. *I’m coming, Lena! Hold on!*”). Toward the end of the book, Ethan has died and Lena casts a spell that she knows could curse her to try to bring him back to life. P. 551 (“Lightning struck me, the Book, the crypt, and Amma... I felt the electricity course through my body and relaxed into it, accepting the fact that if I died, at least I would be with Ethan.”).

***A Discovery of Witches***—When Diana has been kidnapped by Satu, a rival witch, and hidden in an oubliette (a narrow deep hole) in a castle, Matthew and his brother commandeer a helicopter and come to save her. P. 393 (“Matthew grabbed at my shoulder, assisted by another, unfamiliar hand. They lifted me out of the oubliette, and I was crushed for a moment against Matthew’s chest. Grabbing handfuls of his sweater, I clung to him. . . . Matthew swept me up like a sack of flour and started to run.”). And once Diana has learned how to manifest her power, she is able to save

Matthew from a vampire enemy from his past named Juliette. P. 498 (“All hesitation gone, my right hand tightened and opened. A ball of fire arced from the extended tips of my left fingers. Juliette heard the explosion of flame and . . . turned, her nails withdrawing from the hole in Matthew’s chest.”).

***Shadow and Bone***—Alina and Mal are part of an expedition across the Fold when they are attacked by the monstrous creatures that live in that dark, cursed place. Alina’s Sun Summoner’s power ignites for the first time as she tries to save Mal’s life. P. 33 (“I looked up and saw, in the feeble, fading glow of Grisha fire, two volca swooping down on us. I huddled over Mal, shielding his body with mine. I knew it was futile, but it was all I could offer.... Pain shot through my body. And the world went white.”).

## 6. Love Triangle

Another alleged similarity is a “love triangle” between the heroine and two male romantic leads (FAC Ex. 2 pp. 66, 111). This trope has been with us as far back as King Arthur, Lancelot and Guinevere and is also a key element in YA Paranormal Romance as seen in the Vampire Diaries series, the Twilight series, *Fallen*, *A Curse So Dark and Lonely* by Brigid Kemmerer, both *Throne of Glass* and *A Court of Thorns and Roses* by Sarah J. Maas, and *Nightshade* by Andrea Cremer to name just a few. Beyond the YA Paranormal Romance genre, you will also find this trope in The Hunger Games series by Suzanne Collins, *[P. S. I Still Love You]* by Jenny Han, *The Selection* by Kiera Cass, *The Guinevere Deception* by Kiersten White, and many, many others. The love triangle at the heart of current bestseller and TV series *Daisy Jones and the Six* by Taylor Reid Jenkins (published in 2019) proves that this trope is not going away any time soon.

Other YA Paranormal Romance books even feature a love triangle with brothers vying for the same love interest. As noted above, the love triangle between Elena and brothers Stefan and Damon is central to the plot of *The Vampire Diaries*. There are also love triangles involving brothers in: *The Summoning* by Kelly Armstrong (published in 2008), *The Forest of Hands and Teeth* by Carrie Ryan (published in 2010), *Unravel Me* by Tahereh Mafi (published in 2013), *Red Queen* by Victoria Aveyard (published in 2015), and in YA Contemporary Romance, *The Summer I Turned Pretty* by Jenny Han and *The Vincent Brothers* by Abbi Glines.

## 7. Dangerous/Forbidden To Be Together

In *BMR*, Ash and Anna are worried they shouldn’t be together because he is a werewolf and she is descended from witches. Relatedly, the plaintiff seems to argue that the romantic lead being a “dangerous boy” is a major similarity (see FAC pp. 3-4). The idea of it being dangerous or forbidden for a heroine and romantic lead to be together is another common trope of this genre. For example, in *Twilight*, the Volturi have decreed that Edward and Bella must not be together because she is human and he is a vampire. In *City of Bones*, the Clave has decreed that it is illegal for a supernatural being to marry a “Mundie.” In *Bad Moon Rising*, the Omegrian have forbidden different Were-Hunter species to be together, seemingly dooming Fang and Aimee to be apart. In *A Discovery of Witches*, the ruling committee has decreed that Witches, Vampires and Daemons must remain apart from one another—a taboo that Diana and Matthew are determined to break.

## D. Examples Of Other Supernatural Tropes

### 1. Rival Houses Or Factions/Supernatural War

The plaintiff highlights a “supernatural war” brewing between supernatural factions among her list of similarities (FAC p. 19). But rival supernatural factions and supernatural wars are a hallmark of YA Paranormal Romance literature.

**Harry Potter**—the main plot in the Harry Potter is a supernatural war between Harry and the upstanding wizarding community and Lord Voldemort and his evil Death Eater faction. In addition to being a war between wizarding factions, this supernatural war pulls in other supernatural creatures, including giants, goblins, werewolves, and “dementors.” Factions are also used heavily to ramp up the competition between the different Houses (Gryffindor, Slytherin, Ravenclaw, and Hufflepuff) at Hogwarts.

**Blue Bloods**—Schuyler and Cordelia have been trying to convince The Committee that Silver Bloods are hunting Blue Bloods and stealing their life force and memories forever, but they haven’t been believed. P. 192 (“Something is hunting us. There is something out there hunting Blue Bloods. . . . I wasn’t sure before, but I am now.”). Cordelia explains the origins of the Silver Bloods to Schuyler. P. 252 (“As you know, *Caerimonia Osculor* is the sucking of blood that vampires commit on humans in order to gain strength. In the Code of the Vampires, it is forbidden to perform the *Caerimonia Osculor* on fellow Blue Bloods. But that is exactly what Lucifer and his vampires did”).

**City of Bones**—With the return of Valentine, there is a new fight between Valentine’s Circle and the Clave, the ruling body of the Shadowhunters.

**Vampire Academy**—Rose is still angry with Dimitri for making her and Lissa return to school against their will. While they are arguing, he explains that they are at war, and he needs them at the school for their own safety. P. 33 (“We are at war with the Strigoi!” he yelled.... They are deadly, and they are powerful.... They’ll kill or drink from a human or dhampir, but they want Moroi blood more than anything else. They seek it. They’ve turned to the dark side to gain immortality, and they want to do whatever they can to keep that immortality.”).

**Evernight**—When Lucas discovers that Bianca is a vampire, he reveals that he has been raised as a part of the vampire hunting organization called Black Cross. P. 265 (“Black Cross is a group of vampire hunters who have plagued us ever since the Middle Ages. They track us down. They separate us from others of our kind. And they kill us.... They tried to infiltrate Evernight Academy once before.”).

**Beautiful Creatures**—Lena’s mother explains the consequences for Lena, depending on whether she chooses the Light Casters or the Dark Casters. P. 525 (“There are consequences ... If you choose to go Dark, all the Light Casters in our family will die.’ Lena went pale. ‘Why would I ever agree to do that?’ ‘Because if you choose to go Light, all the Dark Casters and Lilum in our family will die.’”).

***Hearts at Stake***—There are several different kinds of vampires in the Drake’s world, as Solange explains. P. 11 (“[Montmartre] created a new breed of vampire.... The ones who stay loyal to Montmartre are called the Host. The ones who defect are called the *Cwn Mamau*, the Hounds of the Mothers.... *Hel-Blar* means “blue death” in some ancient Viking language. Their bite, known as a “kiss,” can infect without any blood exchange, and it’s rumored they can turn both vampires and humans into *Hel-Blar*.”).

## 2. Choosing Light/Dark Or Restoring “Balance”

A protagonist needing to choose between “light” and “dark” and/or restore “balance” (e.g. FAC p.14) is also a common trope in YA Paranormal Romance, as well as popular culture generally (for example, Luke Skywalker needing to resist the Dark Side of the Force).

***Marked***—When Zoey meets the Goddess Nyx in a vision, the goddess reveals her purpose in the world. Pp. 40-41 (“*I name you my eyes and ears in the world today, a world where good and evil are struggling to find balance.... But remember, darkness does not always equate to evil, just as light does not always bring good.*”).

***Fallen***—Fallen is about a school full of fallen angels who are battling demons for the future of humanity. Even within the fallen angel group, there is a darker, still rebellious faction led by Cam and a lighter group who want to be closer to God led by Daniel.

***Beautiful Creatures***—The world of the Casters is divided between Light Casters and Dark Casters, and because of a curse, most of Lena’s family is Claimed by one side or the other, with no free will. On the night of her sixteenth birthday and Claiming, Lena finds a way to avoid choosing either side. P. 547 (““You still don’t know what you’re capable of, do you?” ‘Amma, what are you talking about? . . . Am I—am I Dark?’ ‘Not yet, not now.’ ‘Am I Light?’ ‘No. Can’t say you’re that, either’”).

***Shadow and Bone***—The overall book theme is a battle of wills and power, between Alina—who is a sun summoner—and the Darkling—who represents darkness and black magic. This battle manifests in a show of power performed for the king, before Alina realizes how evil the Darkling is. P. 217 (“I closed my palm, and the beam disappeared, then in a flash I let the light bloom around me and the Darkling, wrapping us in a glowing sphere that surrounded us like a flowing, golden halo. He looked at me and held out his hand, sending black ribbons of darkness climbing through the sphere, twisting and turning.”).

***The Kingdom of Light and Shadow*** (the Fever series)—Over the course of this series, Dublin and the entire world is being overrun by the Unseelie Fae [the dark court] and other dark creatures that feed off humans. They are opposed by the Seelie Fae [the light court], who are only slightly more benign. MacKayla and Barrons—and all their allies—are growing in power and knowledge throughout the series. In this final book, MacKayla comes to a temporary accommodation with the Fae. P. 49 (“I am Cruce of the Tuatha De Danann, High Prince of the Court of Shadows. And you are MacKayla Lane-O’Connor, Queen of the Court of Light.”).



### 3. Other Realms/Dimensions

In the 2013 Draft of *BMR*, Ash takes Anna into The Gloaming, a protected circle in another realm. Anna also enters Avalon, where she sees the High Priestess, and Annwyn, an island within Avalon where her father and Ronan are trapped in their wolf forms. And the plaintiff identifies a character being “trapped in ... another dimension” as an alleged similarity (FAC p. 48). But this is also just another common trope in both YA Paranormal Romance and wider canon. It is common for magical creatures to discover alternate realms as they learn about their power, and to visit those realms either voluntarily or accidentally. In *City of Bones*, there are portals between Earth and Idris. P. 463 (“‘Very well,’ said Valentine, and took a swift step back through the Portal so that his feet struck the earth of Idris.”). In the Fever series, MacKayla is brought to Faerie by the Seelie Prince to control and tempt her. In *A Curse So Dark and Lonely*, Harper is brought from Washington, DC to Emberfall to help save the cursed Prince Rhen by falling in love with him. In *A Court of Thorns and Roses*, Feyre is dragged to Prythian to try to save Tamlin and the realm of the Fae. In *The Hazel Wood* by Melissa Albert (published in 2018), Alice discovers that she *is* the portal to the Hazel Wood, a dark and magical place where her grandmother has been trapped because Alice’s mother stole her away and brought her to the human realm. In *The Awakening* by Nora Roberts (published in 2020) Breen Siobhan Kelly is on an extended visit to Ireland when she accidentally walks into Talamh one day, a parallel faerie realm.

### 4. Heroine Is Kidnapped

In *BMR*, Anna is kidnapped by a vampire named Julian. Plaintiff identifies kidnapping as supposedly a similar plot element (FAC pp. 19, 48). But the heroine is kidnapped in many paranormal romances—sometimes being rescued by their love interest and sometimes saving themselves. In *Twilight*, Bella is held captive by James the vampire tracker. In *Glass Houses*, Claire is kidnapped by her nemesis, Monica. In *Vampire Academy*, Lissa is captured by her beloved uncle Viktor Dashkov. In *Fallen*, Luce is abducted by her trusted teacher Miss Sophia. In *A Discovery of Witches*, Diana is captured by a rival witch. In the Fever series, MacKayla is kidnapped multiple times by both Seelie and Unseelie Princes.

### 5. Avenging Death Of A Loved One

Many books in YA Paranormal Romance include the heroine’s attempt to avenge a loved one’s death or being the target of an antagonist seeking revenge for the loss of their loved one. In *Eclipse*, Book 3 of the *Twilight* series, Victoria tries to kill Bella to avenge the death of James the Tracker in *Twilight*, who was killed while trying to take Bella’s life. P. 80 [ebook edition] (“Victoria was never going to give up till I was dead... she held Edward responsible for the demise of her love, James. She wouldn’t stop until his love was taken from him, too.”). In the Fever series, it is the murder of her sister that brings MacKayla to Dublin and propels the story forward. In *Hearts at Stake*, Kieran Black has come to kill the Drakes because he was falsely told they killed his father. In *A Discovery of Witches*, part of what is driving Diana’s quest is avenging the murder of her parents. In *Gravemaidens* by Kelly Coon, it is the impending death of her sister Nanea—once she is chosen as a sacred maiden to join their ruler in the afterlife—that drives Kammani to become part of the royal household to save her sister’s life.



### E. Other Tropes From *BMR* That Appear Within The Genre

It is also worth pointing out that there are other tropes used in *BMR* that are also common in YA Paranormal Romance books, even if the plaintiff does not necessarily allege that they are all present in *Crave*. Just a few of these examples are discussed below. Note again that the books discussed below were mostly published **before** *BMR*.

#### 1. Secret Organization of Supernatural Creatures

It is common for books and series in the YA Paranormal Romance genre to feature supernatural creatures who belong to secret societies. In *BMR*, Anna's father is part of a secret society called the Order of the Sphinx. The Harry Potter series features several secret supernatural organizations, including the Order of the Phoenix, which fights Voldemort and his campaign of darkness and was founded by Albus Dumbledore, and Dumbledore's Army, formed by Harry. In the Twilight series, *New Moon* (book 2), the Volturi are introduced, which are a secret society created to keep the existence of vampires hidden from the human world. In *Blue Bloods*, Schuyler learns about the secrets of the Blue Bloods from The New York Blood Bank Committee. In *Marked*, Zoey is asked to join the elite inner circle of the high-priestess-in-training called the Dark Daughter; they also have a corresponding group called the Dark Sons. In *City of Bones*, the ruling body for Shadowhunters is called the Clave. In *Hearts at Stake*, the Raktapa Council is introduced, which is an ancient group. In *A Discovery of Witches*, Matthew and Diana have to keep their alliance and search for missing mystic manuscript secret from The Congregation—the ruling council. In *The Kingdom of Shadow and Light* (part of the Fever series), a Compact was formed in attempt to keep the different worlds functioning.

#### 2. Secret Sanctuary Location

A location where different supernatural creatures mix and mingle—sometimes under protection—appears in numerous books and series. In *BMR*, Ash brings Anna to a safe place called Sanctuary, which is hidden within a familiar local bar called Chilkoot Charlie's. In Sherrilyn Kenyon's bestselling adult paranormal romance series *The Dark Hunters*, there is a bar all the supernatural characters frequent, which is also called Sanctuary. This series predates *BMR* by many years and shows *how the same concept—and even the same name—can appear in two different authors' works*.

In *Glass Houses*, Claire's roommate Eve works at a coffee house called Common Grounds, which is a protected place for vampires and humans to meet and mingle—and sometimes make deals with each other. In *City of Bones*, Madame Dorothea's apartment in Clary's brownstone is revealed to be a place of Sanctuary, as are all houses of worship. In addition, the Pandemonium Club is a place where humans and magical beings meet and mingle—though they aren't fully protected from mayhem as they are in the other books like *Bad Moon Rising* and *Glass Houses*. In Karen Marie Moning's bestselling Fever series, there is a Dublin bar called Chester's that hides multiple levels where humans, faerie, Beasts and other creatures intermingle safely. In *Blue Bloods*, the vampires from the Duchesne School mingle with high society of New York at Block 122, the ultra-exclusive club and sanctuary.

### 3. Mythology and Fairy Tale

Weaving elements of mythology and fairy tales as part of the world building, as *BMR* uses Norse and Egyptian lore, is a familiar part of this genre. *Marked* uses Cherokee and Greek lore. *Reawakened* by Colleen Hoover (published in 2016) also uses Egyptian lore. *Hearts at Stake* uses Norse lore and elements of Snow White, *Lore* by Alexandra Bracken (published in 2021) and *Bad Moon Rising* and the entire Dark Hunters series both use Greek mythology in their characters and plot. *Shadow and Bone* uses Russian mythology and Slavic culture in its storytelling. *Spin the Dawn* by Elizabeth Lim (published in 2019) weaves Chinese and middle eastern cultures and mythology throughout the book. *Children of Blood and Bone* by Tomi Adeyemi (published in 2018) and *Beasts of Prey* by Ayana Gray (published in 2021) use African mythology in their world building. *Flame in the Mist* by Renée Ahdieh (published in 2021) draws from the Samurai tradition. In the dystopian and science fiction genres, many books by Marissa Meyer use familiar characters in future settings, including *Cinder* (published in 2012)—a futuristic retelling of Cinderella, *Scarlet* (published in 2013)—a reimagining of Little Red Riding Hood, and *Cress* (published in 2014)—a reimagining of Rapunzel. The Fever series and *A Curse So Dark and Lonely* by Brigid Kemmerer (published in 2019) borrow elements of Beauty and the Beast.

### 4. Heroine Needs a Guide or Mentor to Master Her Magic

In *BMR*, Anna learns about her magic from the High Priestess, and from Ash and his family. In *Blue Bloods*, Schuyler relies on both her grandmother and the Committee to teach her about being a Blue Blood vampire, and about the Silver Bloods trying to kill them. In *City of Bones*, Clary learns the rules and powers that come with being a Shadowhunter from Jace and Hodge Starkweather. In the Fever series, MacKayla's magical mentor is Jericho Barrons. In *Beautiful Creatures*, Lena relies on her Uncle Macon to indoctrinate her in the ways of the Casters. In *Shadow and Bone*, Alina is sent to Baghra to learn how to control her Sun Summoner powers.

### 5. Main Character Has Prophetic Dreams/Visions

Anna's dreams apparently portending the future are a persistent theme in *BMR* (for example p. 10 of the 2011 Draft). YA Paranormal Romance books also very commonly feature protagonists having prophetic dreams, visions, or flashes. In the Harry Potter series, Harry sometimes has flashing visions stemming from his supernatural connection with Voldemort. In *Blue Bloods*, the Blue Blood vampires begin to recover their memories from prior incarnations when they begin to come into their powers in adolescence. And when Blue Bloods kiss a former love interest, they can have visions of past lives. Bianca, the Main Character in *Evernight* has prophetic nightmares. In *Vampire Academy*, the bond between Rose and Lissa allows Rose to see visions of what is happening in Lissa's life, especially if her emotions run high. Luce sees shadows that move and swirl throughout *Fallen*. When Sam takes Grace to the pack's place in the woods, in *Shiver*, they realize that the wolf pack has been sharing visions with her that allow her to recognize this place without ever being there before. In *Beautiful Creatures*, both Luce and Ethan experience many shared expansive visions, especially since they can communicate with each other telepathically.

## 6. Objects of Power and Magic

In *BMR*, Anna receives a power-infused necklace from her father. She also learns about powerful Celtic artifacts that are bound with demons killed by Ronan and needs to fight a demon using one of these objects at her school. In the Fever series, MacKayla has the unique talent of attracting Objects of Power and being able to wield them against magical creatures. In Harry Potter, each wizard chooses the wand that is right for him or her, and that right match grows their power. Lord Voldemort also utilizes magical “horcruxes” toward the end of the series to attempt to live forever. In The Mortal Instruments series by Cassandra Clare, the three Mortal Instruments must be gathered in order to summon the angel Raziel, which can only be done once every 1000 years. In *Shadow and Bone*, the bone of a power amplifier chooses the Grisha best suited to wield it. In *Spin the Dawn*, Edan—the Love Interest—has power that is tied to a magical amulet and whoever owns the amulet owns his services for 1000 years, with his captivity signified by a gold cuff on his wrist.

## VII. How The Publishing Acquisition Process Works

Finally, I understand that the plaintiff has questioned certain aspects of publishing industry practice, such as how long it takes to get a book published and the varying roles performed by different types of editors. Because I have spent my career in publishing industry and have edited hundreds of novels, I’m qualified to explain the process from submission through publication and have provided an overview of this process below.

### A. Submissions Process

Although every publishing house operates with slight variations, there are aspects of the process that are consistent from company to company. Most major companies require submissions to come via an agent, rather than what used to be called over-the-transom, or the “slush pile.” At larger companies, an agent can often submit a project to multiple editors at different imprints simultaneously. They may, however, choose to target a specific editor based on the previous taste, preference and personal knowledge of that editor gathered through multiple interactions.

#### 1. From Initial Read To The Editorial Meeting

Some publishers have submissions read initially by editorial interns and editorial assistants, who will write a reader’s report and make a recommendation about whether more senior editorial staff should spend time on a particular project. A project that gets positive preliminary reads will then be read by the editor, and if he or she concurs, it will get shared with the broader editorial team—including colleagues, the editorial director and the publisher of the imprint. Usually, that submission will then be read and discussed by the editorial team at a weekly editorial meeting. At this meeting, the acquiring editor will make a case for why they’d like to make an offer for this project. Aspects that are discussed may include the plot, setting, pacing, characters, and the all-important author’s “voice” and what makes it special. Beyond the pure writing quality, there will be broader publishing-related aspects discussed like the “elevator pitch”—a quick one-two sentence summary that encapsulates the project and will be used to entice prospective readers (in-house and consumers) to choose to read this book, “comp titles”—how this book compares to similar successful books in the market, how crowded the market might be for this genre, and

whether this author has additional skills or connections that will help promote the book once it is published.

## 2. The Acquisitions Meeting

If the acquiring editor and publisher decide they want to proceed, the editor will pull together material to bring to an Acquisitions Meeting, where editors make their case before a group of publishing executives, sales, marketing and publicity senior team members. This packet will include: an excerpted section of the manuscript that best represents the project for busy team members, the full manuscript, a list of competitive titles (known as comp titles)—including their publication dates, sales track, and relevance to the book under discussion; the author's marketing and publicity skills and possible media connections, proposed offer terms and the P&L (profit and loss analysis) that shows how the proposed costs of the project align with the potential sales and earnings. At the Acquisitions Meeting, many of the same aspects of the project that are discussed at the Editorial Meeting will be discussed again, but there is usually a greater focus on the finances, how the project fits in with the overall list of books under contract already, and what company assets will be needed for this book to achieve the sales goals that align with the proposed offer.

## 3. Making An Offer

If the editor emerges from this meeting with the green light to make an offer, the editor and publisher will strategize how to present the details of the offer to the author's agent. This strategy will be shaped by whether there will be an auction for the project, and if so, what kind of auction it will be. Many projects are acquired without an auction. In these instances, an interested editor will make an offer, and the agent will then notify the other editors who have considering the project that an offer has been received. They will then need to either make an offer or decline the project. If there are multiple offers, the agent and author can either decide between them, or can update the editors and ask them if they can improve their offer based on the top offer received.

If there is a competitive auction, the editor will ask for a Marketing and Publicity plan from those department heads to accompany the financial offer. The most common types of auctions are **Round Robin** (where each editor makes an initial offer in the first round and can decide whether to continue to better the top offer from the previous round to stay in the next round of the auction or to drop out. This type of auction continues until a clear top bidder wins the project.); **Best Bids** (where each editor must put their best offer forward for one round, with the author choosing between this one round of offers); and **Better/Best Bids** (where each editor makes their Best Bid and only the top two or three contenders are told what offers are on the table and are given a chance to sweeten the deal to win).

## 4. Behind The Curtain Of The Offer Process

Thanks to the media coverage of the anti-trust lawsuit against Penguin Random House's bid to acquire Simon & Schuster in the summer of 2022, several key publishing executives went on the record about some of the mysteries of the acquisition process. Here are some highlights:

In his trial testimony, Markus Dohle said, “We invest every year in thousands of ideas and dreams, and only a few of them make it to the top. Each book is unique, and there’s a lot of risk.”<sup>13</sup> Dohle also said, “Everything is random in publishing. Success is random. Bestsellers are random. So that is why we are the Random House!”<sup>14</sup>

Asked how editors determine an advance based on a P&L, Madeline McIntosh explained that the process is “highly subjective” and so advances can’t always be predicted. In fact, sometimes you get three different advance figures [from editors at different imprints competing for the same book], McIntosh said. In those cases, she added, she usually greenlights them all, because she wants to encourage her editors’ enthusiasm for the manuscript. “It’s very much an iterative process,” she said, referring to the shifts marketing strategy can undergo depending on buzz, sales, and something she referred to many times as “opportunity,” meaning when a book gets unexpected attention (e.g., is selected for a celebrity book club, or has an important news hook). “We’re adapting in real time,” McIntosh said, adding that by the time you begin to discuss marketing plans, the book’s advance “is a sunk cost.”

## **B. Publishing Process**

Once a YA novel has been acquired, there are many phases of the work that goes into transforming a manuscript into a printed book.

### **1. Developmental Editing**

*(3 to 6 months—and occasionally more, depending on the level of revision needed and the author’s skill and speed at revising)*

Editors often share their big-picture editorial feedback with authors in writing as part of the acquisition process, so both editor and author will know if their visions are in alignment. This also allows both parties to have a record of the changes requested and a roadmap for the work ahead. But once an editor has won the project, he or she will begin work in more depth. The editor will assess the quality of the writing and the big picture development of the overall story arc. Every manuscript will need at least one round of developmental editing, addressing all the elements I’ve just outlined. Often, an author will be able to see issues and solutions more clearly after having put the manuscript aside for a period of time. And the book’s editor will have insightful suggestions for areas that need changes, added depth, and rethinking. Some manuscripts may need two or more rounds of revisions, while others only need one.

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<sup>13</sup> “Penguin Random House CEO defends publishing merger challenged by U.S. government.” *USA Today*, Marcy Gordon, Aug. 5, 2022, <https://www.usatoday.com/story/entertainment/books/2022/08/04/penguin-random-house-ceo-markus-dohle-defends-merger/10243280002/>; “The Biggest Plot Twists in the Simon & Schuster Antitrust Trial.” *Vulture*, Victoria Bekiempis Aug. 18, 2022, <https://www.vulture.com/2022/08/penguin-random-house-simon-schuster-antitrust-trial-recap.html>.

<sup>14</sup> “A Trial Put Publishing’s Inner Workings on Display. What Did We Learn?” *The New York Times*, Elizabeth A. Harris, Alexandra Alter, and Adam Bednar, Aug. 19, 2022, <https://www.nytimes.com/2022/08/19/books/prh-penguin-random-house-trial.html>.

2. Line Editing

*(1-3 months, sometimes done simultaneously with developmental editing)*

Close sentence-by-sentence editing for sense, clarity, tone, voice, and accuracy of detail. Some authors require few changes and others require line-by-line rewriting and reworking.

3. Copyediting

*(1 month with the copyeditor, 1 month for author and editor to review)*

Once the editor and author agree that the revisions are done, the manuscript will be sent to a copyeditor. The copyeditor will be looking at the writing with a different eye—checking facts, spelling, and grammar. The copyeditor will also be looking for consistency in details and style of language. Each house has its own style sheet and manuscripts will be marked to conform to that style. The copyeditor will also check to make sure all editorial queries have been resolved. Copyeditors also might come up with queries of their own, things that the editor might have missed because there were so many other details to attend to. The author and editor will then review the copyeditor's work and the author will make any needed changes.

4. Book Design

*(1-2 months)*

After the copyediting stage is done, the manuscript will go to a designer, who will choose the fonts for the main body of text and any headlines or special text styling.

While this work is underway, the jacket designer will also be working on the book—coming up with a concept, sharing it with the editorial team, then hiring an artist or finding a photo to use on the front cover.

Once the pages are typeset, the design team will use the uncorrected typeset pages and the front cover design to create Advance Readers Copies (“ARCs”). These will be shared with book reviewers, potential blurbers, bookstagrammers, tastemakers, librarians, and booksellers to generate advance buzz and book reviews that will help launch the book. The Advance Readers Copies need to be ready 9 months to a year before the book's publication date.

5. Proofreading

*(1 month with the proofreader, 1-2 month for the author and editor to review)*

At the same time the book will be sent to a proofreader, who will check to make sure all the changes input during copyediting have been made, and that the designer's directions have been followed. Meanwhile, the proofreader will also check for any typos or mistakes. The author will review any changes and questions the proofreader has asked for, and the project will be returned to the



typesetter to input the changes. There can be multiple rounds of corrections as revisions are made and reviewed again, until all errors have been fixed.

6. Printing

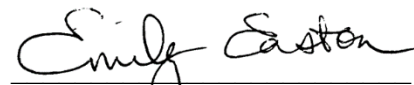
*(1-2 months for printing, 2-4 weeks for shipping and clearing at warehouse)*

When all the corrections are made, the project is put into the hands of the production team. The book jacket is printed at one place while the book interior is printed elsewhere. At that printer, the book will be bound, and the jackets wrapped around them. They must be finished and sent to the publisher's warehouse at least 6 to 8 weeks before the publication date to allow orders to be shipped to retail locations around the country, unpacked and put on shelves in time for the book's launch.

**VIII. Conclusion**

As explained above, the hallmark of the YA paranormal romance genre are the familiar tropes, themes, and character archetypes that underpin the inventive storytelling that make each title a unique reading experience. It is that combination of familiarity and freshness that is so enticing and fulfilling for fans of the genre. While my list of examples of common tropes and recognizable character traits is not exhaustive, it illustrates that the plaintiff's allegations of copyright infringement are based on commonalities and building blocks that can be readily found throughout the YA Paranormal Romance genre.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
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Emily Easton

## APPENDIX A

### EMILY EASTON

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201-362-8830 | emilyeaston8@gmail.com

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#### **KEY ACHIEVEMENTS**

- Relaunched a retired imprint with co-publisher, growing revenue from \$0 to \$8 million in 7 years
- Equally adept at hands-on editorial work and managerial and strategic oversight of imprint
- Partnered with adult division colleagues for cross-imprint celebrity projects
- Broad experience across all age levels and categories, including picture books, middle grade and young adult novels, graphic novels, and nonfiction
- Acquired and edited numerous award winners and New York Times bestsellers across all age levels, including a Caldecott Honor winner, a Pura Belpre Illustration Award winner, a CSK/John Steptoe Illustrator Award Winner, two YALSA Excellence in Nonfiction Finalists, a Sibert Honor, a William C. Morris Award Finalist and Winner, and a National Book Award Longlist honoree

#### **EXPERIENCE**

##### **Publishing Consultant and Freelance Editor (2022-Present)**

- Provide a wide range of editorial and business services, including imprint development, crafting book proposals, adapting adult books for children's market, editing novels and picture books, ghostwriting, art direction, and author and illustrator coaching

##### **Crown Books for Young Readers/Random House Children's Books**

###### ***Co-Publisher & Vice President* (2014-2022)**

- Acquired and edit 15-20 titles annually, with a focus on diverse creators and topics, innovative formats, fiction and nonfiction at all age levels, and adaptations of adult bestsellers, while managing imprint
- Worked with authors, illustrators, agents, and foreign publishers to ensure quality trade list with strong commercial opportunities
- Managed imprint staff
- Participated on executive leadership team, coordinating with other imprints and developing and implementing divisional strategies
- Prepared budgets, imprint strategies, and title P&Ls
- Interfaced with marketing, publicity and sales

##### **Walker & Company/Bloomsbury Publishing, Inc. (1991-2014)**

###### ***Books for Young Readers | Publishing Director* (June 2012-2014)**

- Oversaw the publishing program for the Walker imprint of Bloomsbury USA Children's Group, leading division to significant sales growth, including over 20% growth in my final year
- In addition to the duties listed below under Publisher, was responsible for developing business plans for imprint and coordinating with UK, Australian, and German divisions to identify key opportunities for global publishing internationally across groups

***Books for Young Readers | Publisher*** (Post-Bloomsbury Acquisition) (2005-2012)

- Oversaw children's division publishing 40-50 hardcovers and 10-15 paperbacks per year
- Shaped editorial program
- Managed company global reorganization as part of the senior management team, leading staff through changes in processes and strategies
- Prepared and managed divisional budgets
- Prepared sales analyses
- Negotiated contracts, edited, and art directed picture books
- Wrote promotional copy
- Interfaced and strategized with Macmillan sales team to facilitate distribution of our books into all channels of market
- Presented lists at sales conferences, internal meetings, conventions, and select wholesale accounts

***Books for Young Readers | Publisher*** (Same As Above, Plus Additional Responsibilities, Pre-Bloomsbury Merger) (1997-2005)

- Oversaw the marketing department
- Interfaced with Sales Director, Chief Financial Officer, and President
- Maintained a supervisory role for all shared personnel with adult division, including art and design, production, and subsidiary rights
- Mentored a diverse, creative team, maximizing staff strengths

***Editorial Director*** (1991-1997)

- Managed editorial staff responsible for acquiring and editing 30 hardcover titles a year
- Repositioned list from school library focus to trade orientation

**Simon & Schuster**

***Senior Editor*** (1989-1991)

- Acquired and edited 10 to 15 titles a year, including single titles and series nonfiction

**Reader's Digest**

***Associate Editor*** (1986-1989)

- Condensed novels and nonfiction titles for book club offerings
- Volume Editor for Large Print Edition of Condensed Books
- Interviewed bestselling authors for print feature in book club

**EDUCATION**

- Bachelor of Arts Degree, State University of New York at Binghamton

**REFERENCES**

- Available upon request.



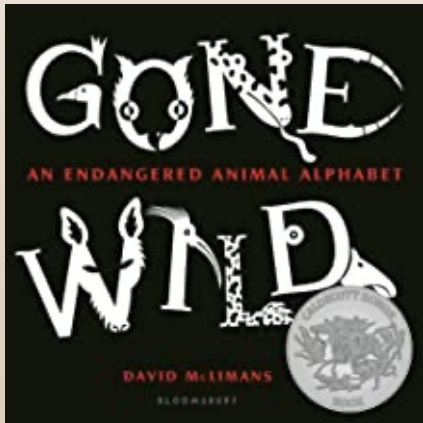
# EMILY EASTON

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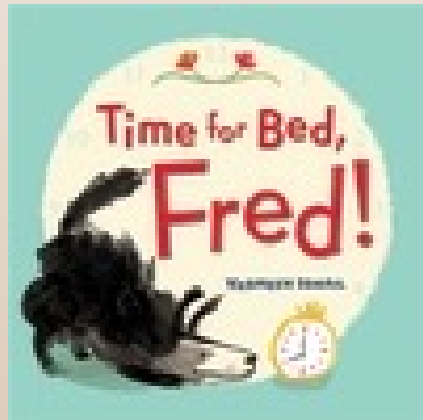
- Former Publisher of Crown/Random House and Walker Books/Bloomsbury children's imprints
- Editor of Award-Winning and Bestselling titles ranging from preschool to YA
- Long-standing publisher of diverse creators and content
- Leadership experience at both Big Five and Independent Publishers
- Creator of Celebrity Multi-Level Programs and Adult Book Adaptations



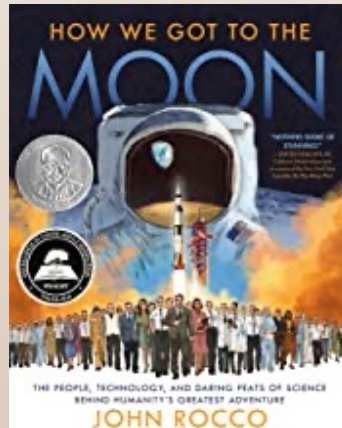
# NATIONAL AWARD WINNERS



- Caldecott Honor Book
- *New York Times* Best Illustrated



- *New York Times* Best Illustrated



- National Book Award Longlist
- YALSA Excellence in Nonfiction, Finalist
- Sibert Award, Honor

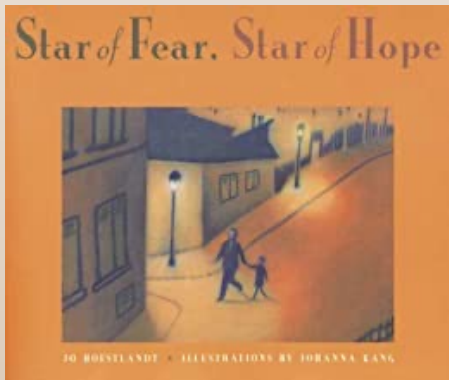


- Coretta Scott King/John Steptoe Illustrator Award

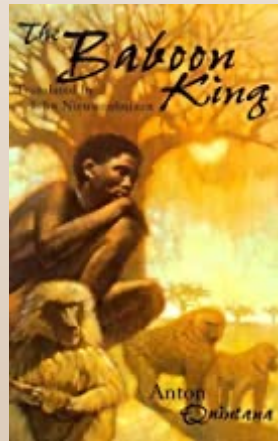


- Pura Belpre Illustrator Award

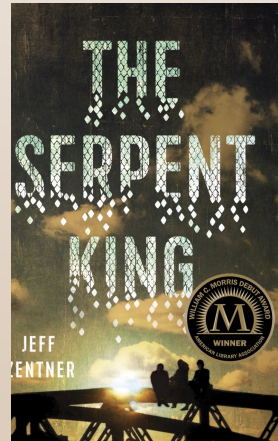
# NATIONAL AWARD WINNERS



- Mildred L. Batchelder Award, Honor



- Mildred L. Batchelder Award Winner



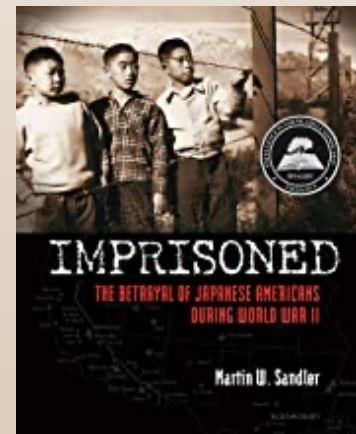
- William C. Morris Award Winner
- Amelia Walden Award Winner
- *New York Times* Notable Book



- William C. Morris Award, Honor



- Amelia Walden Award Winner
- *New York Times* Notable Book



- YALSA Excellence in Nonfiction, Finalist

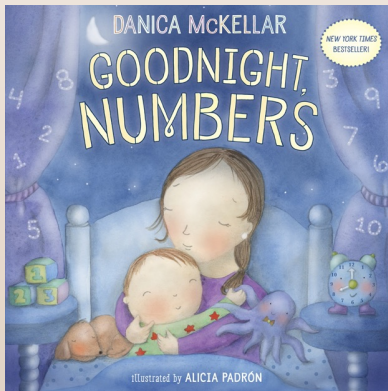


# STATE AWARD & INDIE FAVORITES

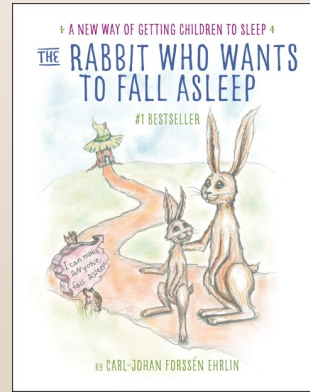
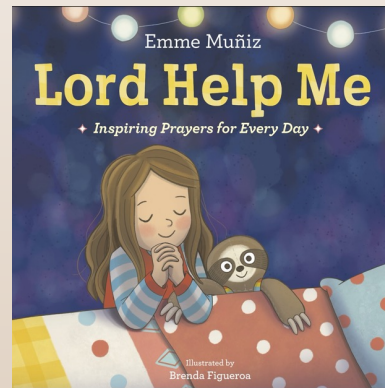


Graphic novel series optioned by Nickelodeon

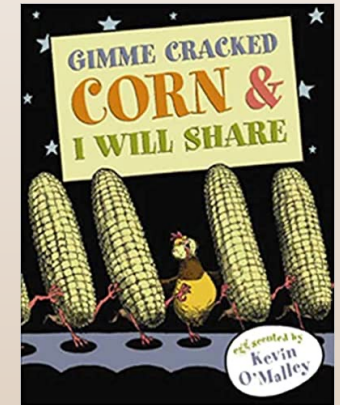
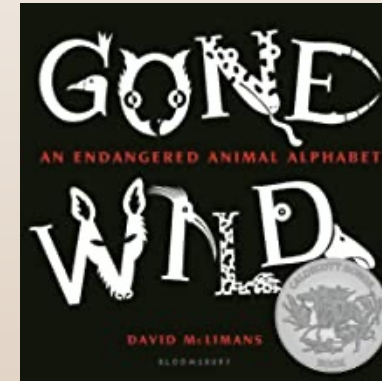
# NEW YORK TIMES BESTSELLERS



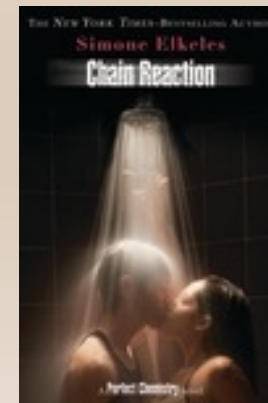
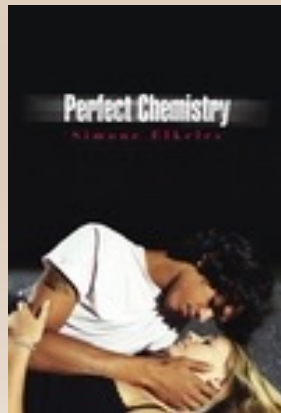
100,000+ sold  
325,000 special sales



200,000 sold



Trilogy sales over 750,000



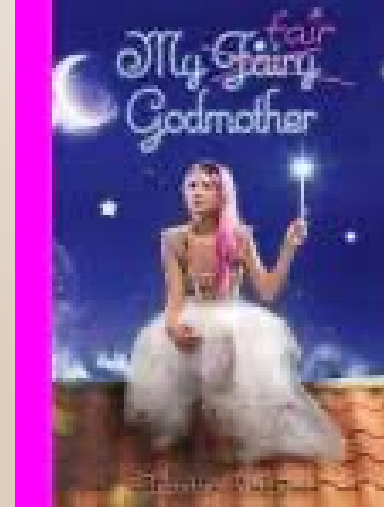
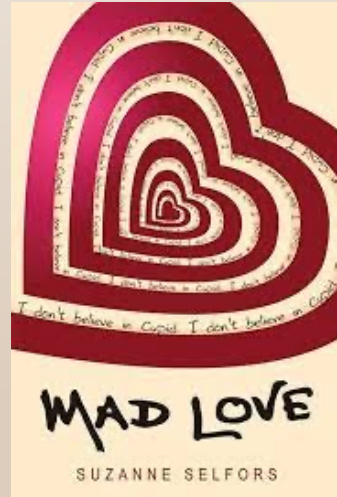
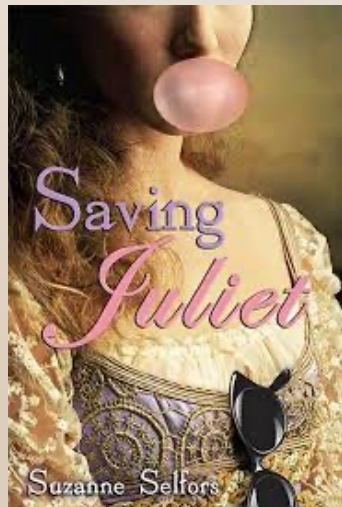
200,000 sold



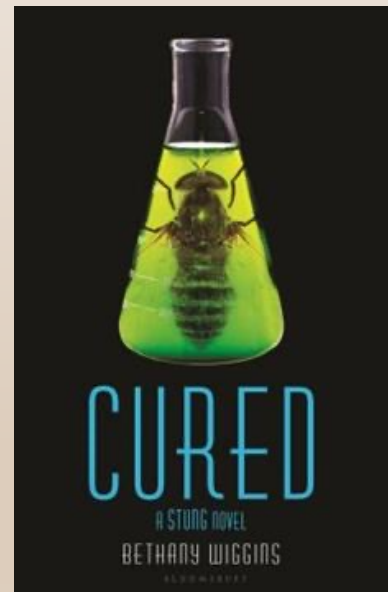
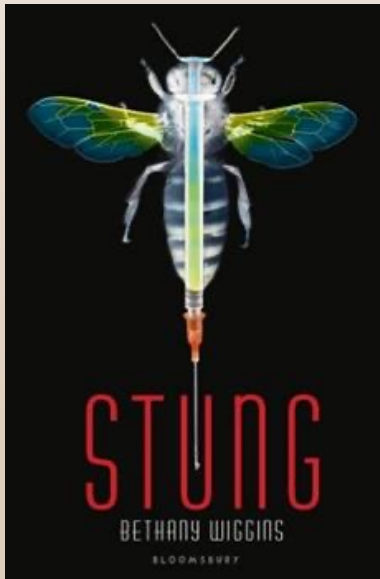
# YA GENRE NOVELS— PARANORMAL ROMANCE



# YA GENRE NOVELS— PARANORMAL ROMANCE



# YA GENRE NOVELS— DYSTOPIAN



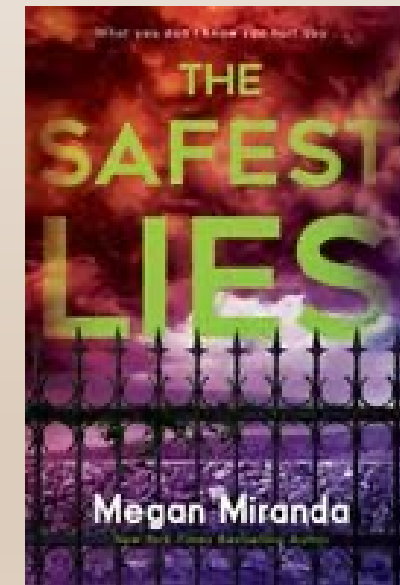
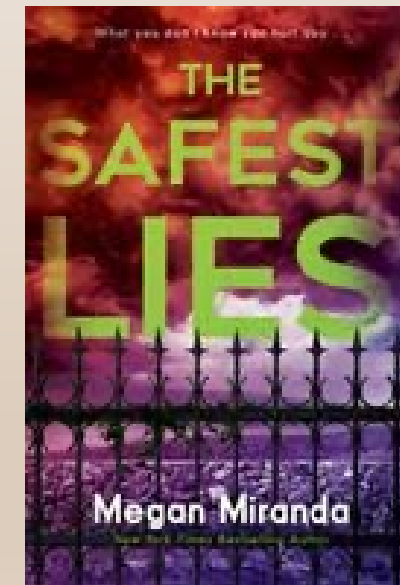
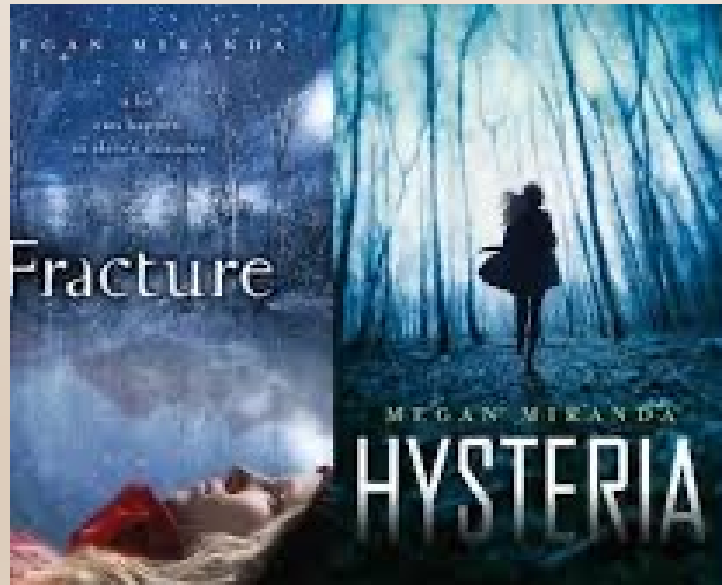


# YA GENRE NOVELS—SCIENCE FICTION

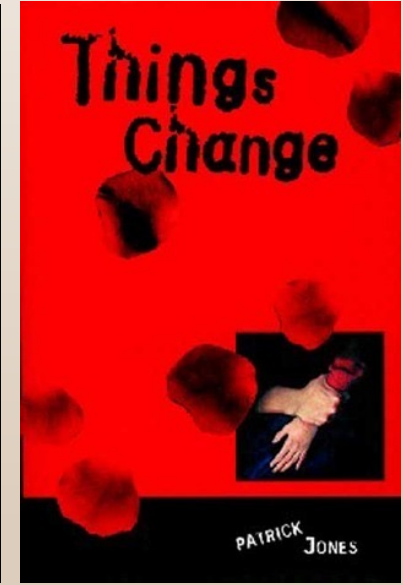
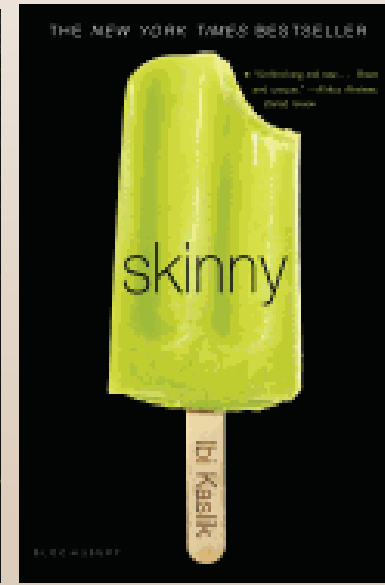
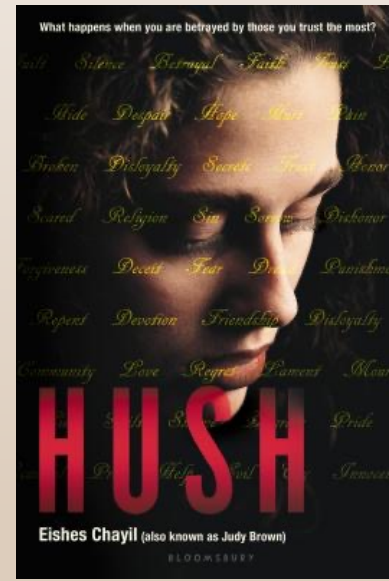
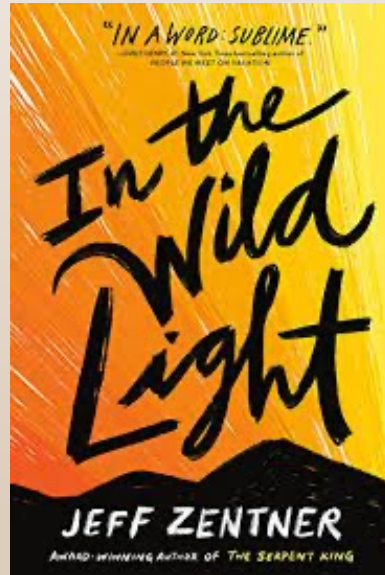
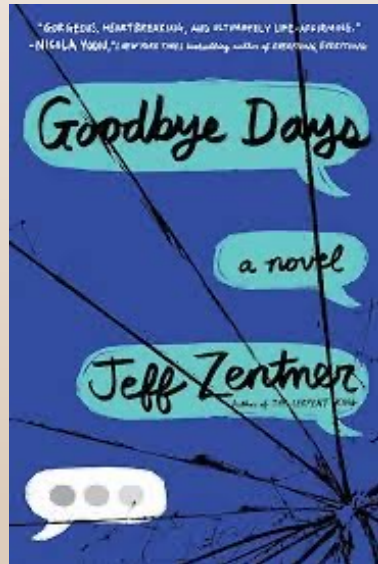




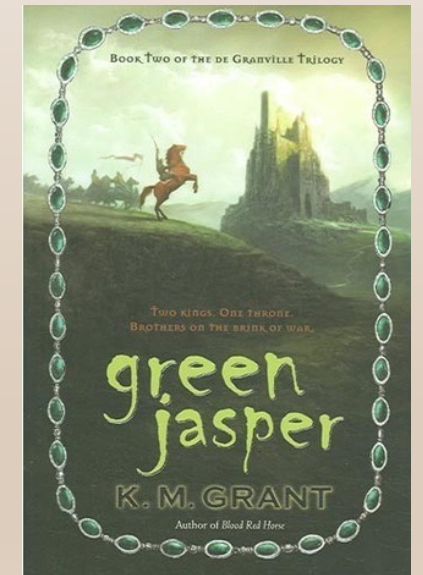
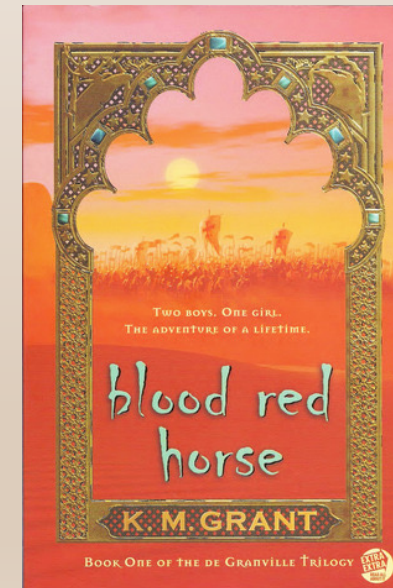
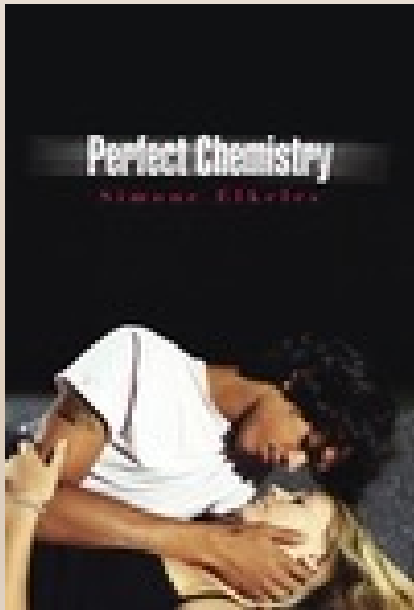
# YA GENRE NOVELS— THRILLER



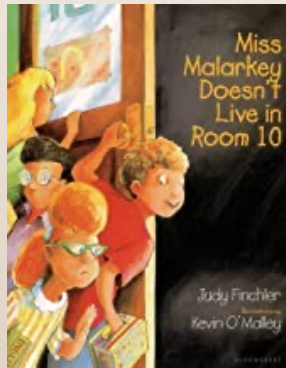
# YA NOVELS— REALISTIC



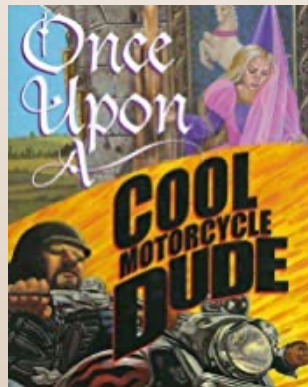
# YA NOVELS— CONTEMPORARY & HISTORICAL ROMANCE



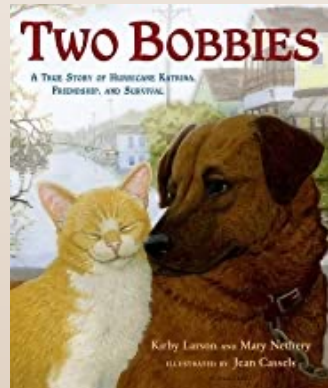
## ADDITIONAL BESTSELLERS



1 million Miss Malarkey books in print



100,000+ sold  
Nickelodeon option



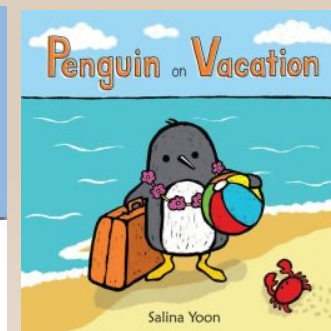
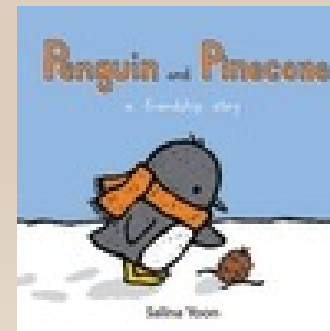
100,000+ sold



100,000 sold



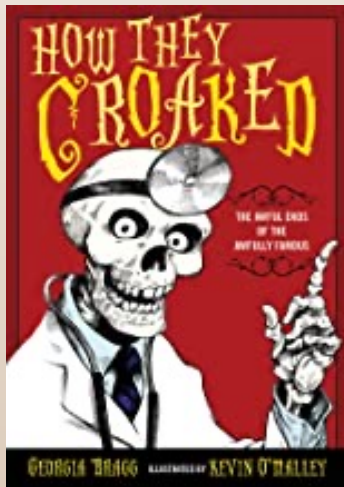
100,000 sold



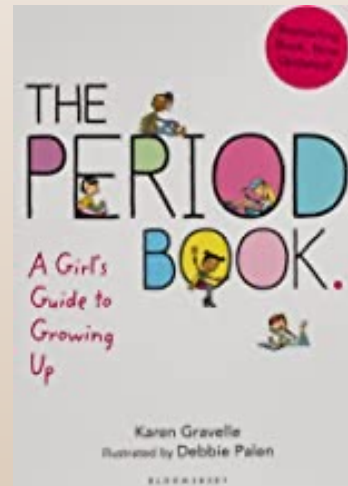
Series sales 400,000  
Kohl's Care program  
Chick Fil-A Kids meal



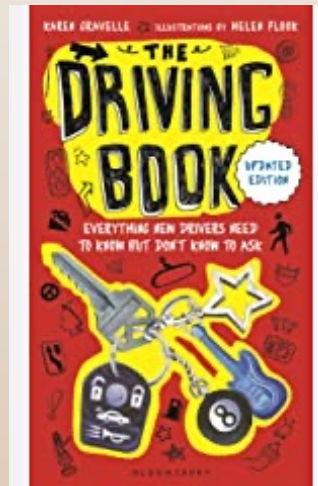
## ADDITIONAL BESTSELLERS



125,000 sold



Over 1 million sold  
combined

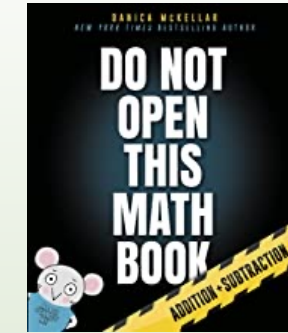
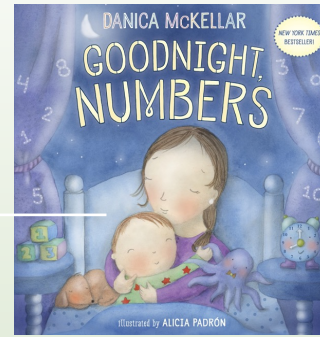


100,000 sold



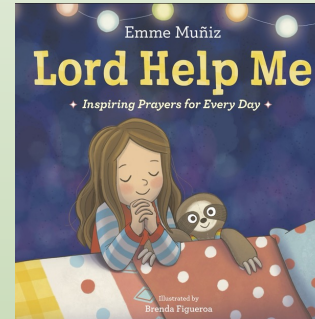
90,000 sold

# CELEBRITY PROJECTS & PROGRAMS



DANICA MCKELLAR  
Multi-format publishing plan

- DALAI LAMA & ARCHBISHOP TUTU



EMME MUNIZ



MARIE KONDO

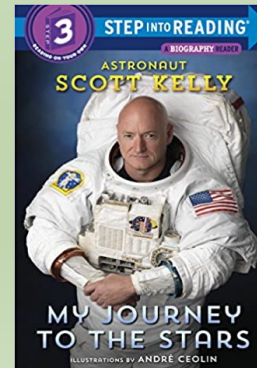
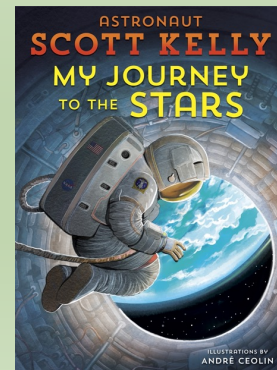


PREET BHARARA



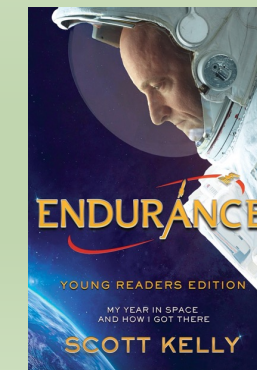
SKAI JACKSON

- FORTHCOMING
- BINDI IRWIN
- LAILA ALI & COZBI CABRERA
- NEW YORK TIMES
- EXPLORERS CLUB



SCOTT KELLY

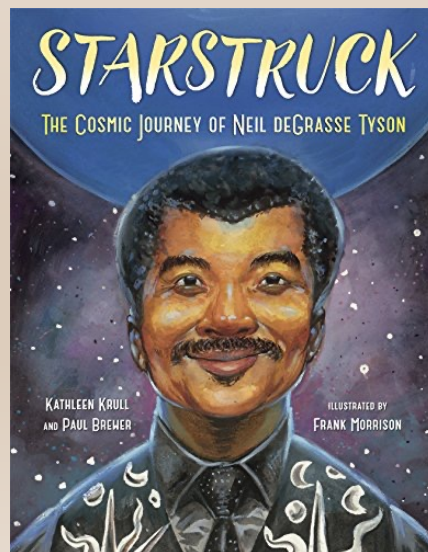
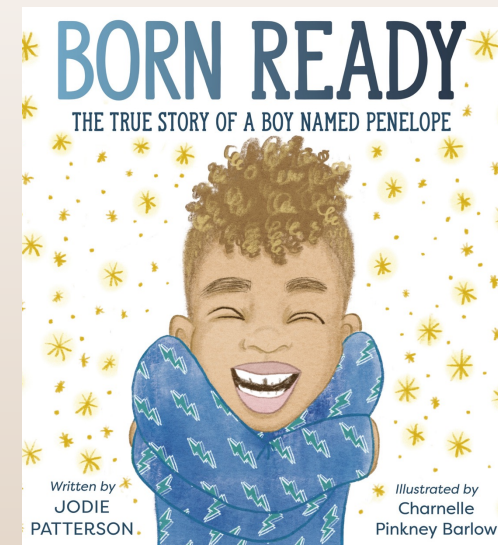
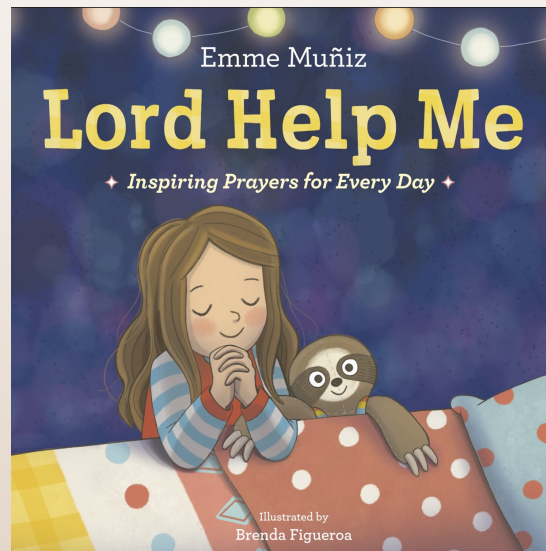
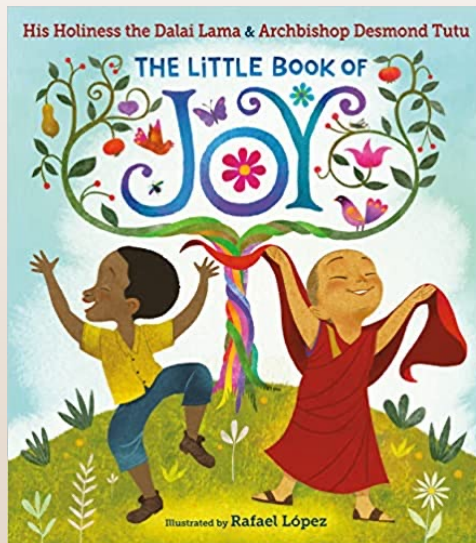
Multi-format publishing plan





# DIVERSE CREATORS AND CONTENT

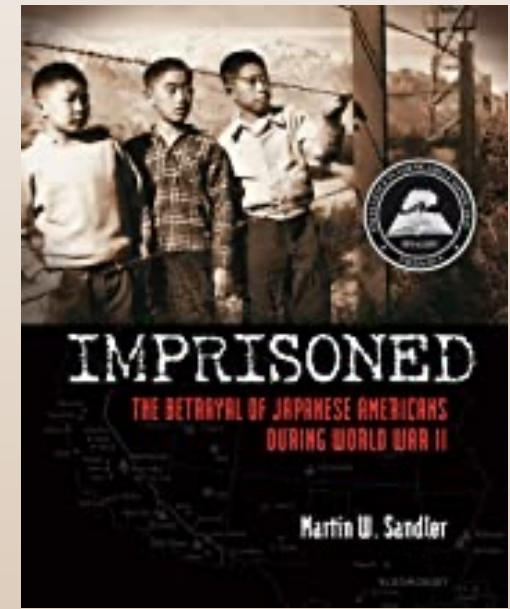
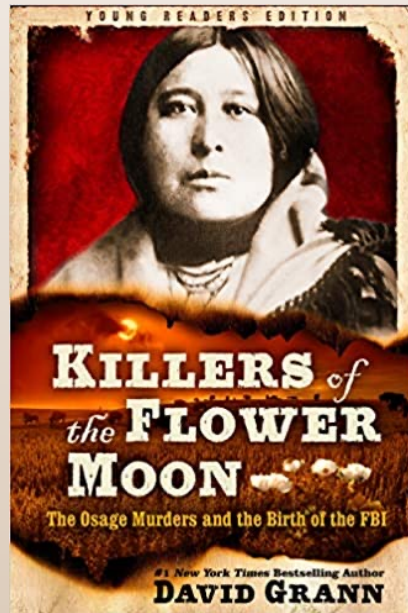
## Selected Titles





# DIVERSE CREATORS AND CONTENT

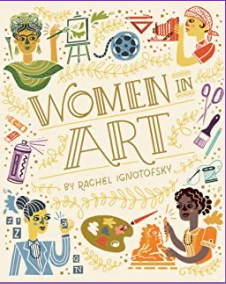
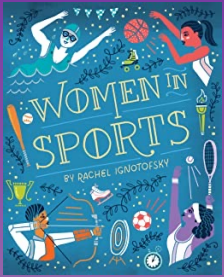
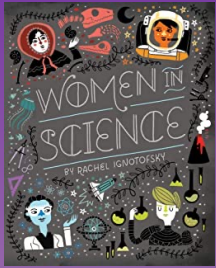
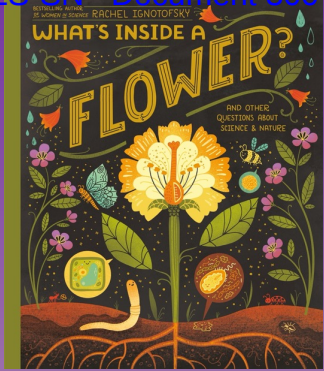
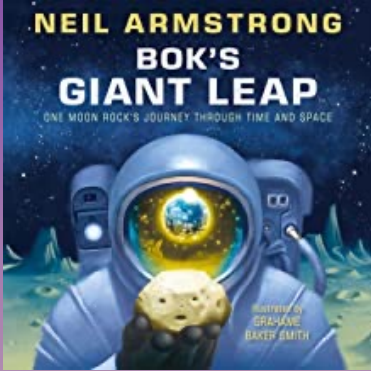
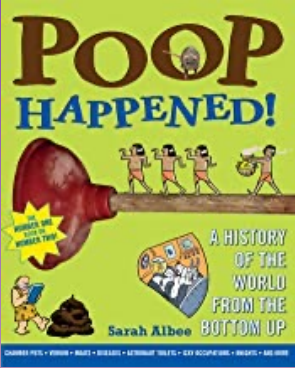
## Selected Titles





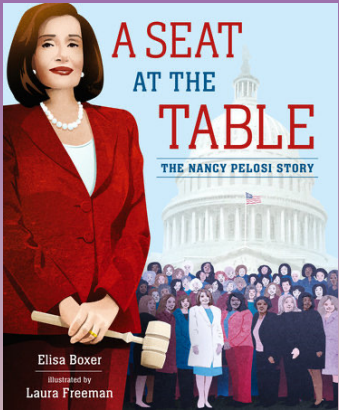
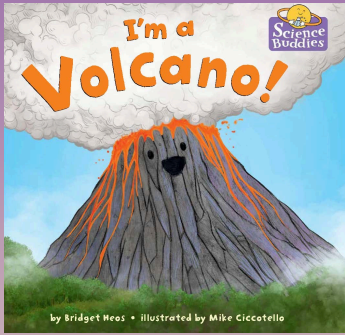
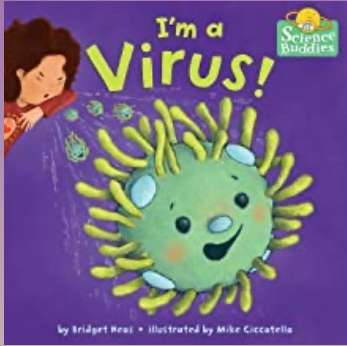
# NONFICTION

## Select Titles

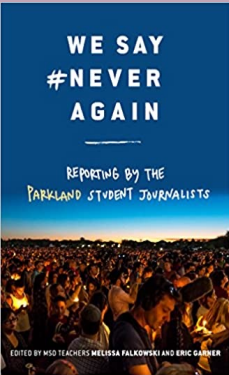
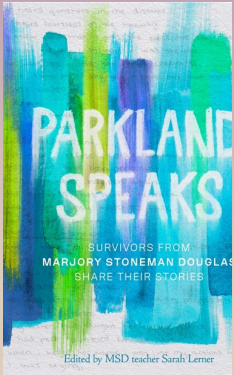


Board Book adaptations of bestsellers

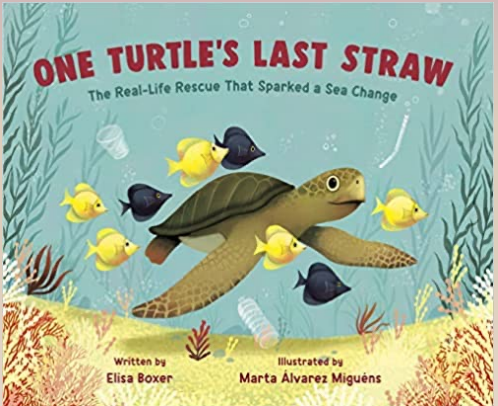
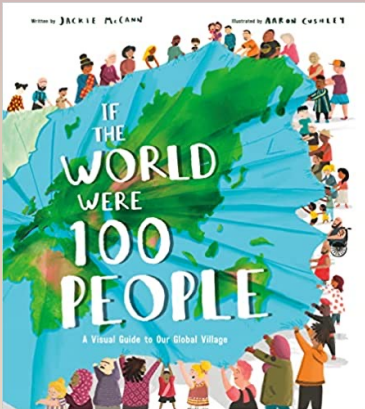
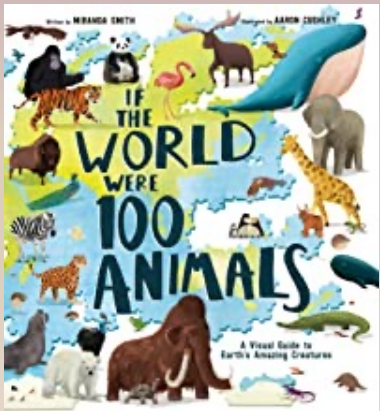
From the author of  
bestseller *Women in*



New series launch, more  
forthcoming



Creative and journalistic accounts  
by Parkland survivors



Forthcoming

Best Book of the Year lists

## APPENDIX B

### Emily Easton Writing Career

Below is a list of all books I have published (as Author or Adaptor) in the last 10 years.

1. As Solo Author

- *Enough: 20 Protesters Who Changed America*
- *My Little Golden Book About Audrey Hepburn (forthcoming)*
- *My Little Golden Book About Keanu Reeves (forthcoming)*

2. As Co-Writer with Astronaut Scott Kelly

- *My Journey to the Stars* picture book
- *My Journey to the Stars* Step-into-Reading edition
- *Goodnight, Astronaut* picture book

3. As Ghostwriter

- *Justice Is: A Guide for Young Truth Seekers* picture book for Preet Bharara
- *Starstruck: The Cosmic Journey of Neil deGrasse Tyson* Step-into-Reading edition for Kathleen Krull
- *All of It Is You* picture book for Nico Torotella (forthcoming)

4. As Book Adapter

- *The Monster's Bones: The Discovery of T. Rex and How it Shook Our World* by David K. Randall
- *Killers of the Flower Moon* by David Grann
- *Endurance: My Year in Space and How I Got There* by Scott Kelly
- *Mao's Last Dancer* by Li Cunxin

## APPENDIX C

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The following is a list of sources relied on for my opinions, in addition to the books and other materials discussed and identified in my expert report.

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